

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ZIMMERI CONTRERAZ, individually,

Plaintiff,

vs.

CITY OF TACOMA; a municipal
corporation; SOUTH SOUND 911; an
Interlocal agreement agency; and
CHRISTOPHER BAIN, in his
individual capacity,

Defendants.

No. 3:22-cv-5106-JNW

CITY OF TACOMA DEPOSITION
DESIGNATIONS – PLAINTIFF
ZIMMERI CONTRERAZ

Defendants CITY OF TACOMA and CHRISTOPHER BAIN (“City” or
“Defendants”), by and through the undersigned, provide the following deposition
designations re: Plaintiff Zimmeri Contreras. Corresponding sections of Plaintiff’s
December 4, 2023, deposition transcript are indicated in yellow by the City; sections to
which Plaintiff objects are indicated in orange. The marked deposition transcript is
attached and incorporated herein as Exhibit 1.¹

¹ Defendant City of Tacoma is filing the current pleading in compliance with the Court’s previous order (Dkt. 147). Opposing counsel is currently unavailable and City expects the parties to provide supplemental pleading the week of April 8, 2024.

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CHRISTOPHER D. BACHA, City Attorney

By: /s/ Kimberly J. Cox
JENNIFER J. TAYLOR, WSBA #26607
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Deputy City Attorneys
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Christopher Bain

DECLARATION OF SERVICE

I hereby certify that on April 5, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and will send a true and correct copy of this filing to the following:

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DATED this 5th day of April, 2024, at Tacoma, Washington.

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EXHIBIT 1



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In the Matter of:

Contreras

vs

City of Tacoma

ZIMMERI CONTRERAZ

December 04, 2023

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Sarah Fitzgibbon, CCR
Vice President



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Contreras vs City of Tacoma
Contreras, Zimmeri - December 04, 2023

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AT TACOMA

ZIMMERI CONTRERAZ, individually,)	
)	
Plaintiff,)	
)	
vs.)	No. 3:22-cv-05106
)	
CITY OF TACOMA, a municipal)	
corporation; SOUTH SOUND 911, an)	
Interlocal agreement agency; and)	
CHRISTOPHER BAIN, in his)	
individual capacity,)	
)	
Defendants.)	

DEPOSITION OF ZIMMERI CONTRERAZ

December 4, 2023

Tacoma, Washington

Reporter: Christy Sheppard, CCR, RPR

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Also present: Dan Bassett,
Videographer, B&A Litigation Services

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1 BE IT REMEMBERED that on Monday,
2 December 4, 2023, at 2208 North 30th Street, Tacoma,
3 Washington, at 10:03 a.m., before Christy Sheppard,
4 Certified Court Reporter, CCR, RPR, appeared ZIMMERI
5 CONTRERAZ, the witness herein;

6 WHEREUPON, the following proceedings
7 were had, to wit:

8
9 <<<<<< >>>>>>

10
11
12 THE VIDEOGRAPHER: We're on record.
13 Time now is 10:02 a.m. Today's date is December 4, 2023.
14 This is Volume 1 of the video recorded deposition of Zim
15 Contreras taken in the matter of Contreras versus the
16 City of Tacoma, et. al., filed in the United States
17 District Court for the Western District of Washington at
18 Tacoma. Case number is 3:22-cv-05106.

19 This deposition is being held at 2208 North 30th
20 Street, Suite No. 202, in Tacoma, Washington.

21 My name is Dan Bassett. I am the videographer. The
22 court reporter is Christy Sheppard. We are both here on
23 behalf of B&A Litigation Services.

24 Counsel, please identify yourselves for the record
25 and then the witness may be sworn in.

1 MR. COCHRAN: For the Plaintiff, Loren
2 Cochran.

3 MS. COX: For the City of Tacoma,
4 Kimberly Cox.

5 MS. TAYLOR: Also for the City of
6 Tacoma, Jennifer Taylor.

7
8
9 ZIMMERI CONTRERAZ, having been first duly sworn
10 by the Certified Court Reporter,
11 testified as follows:
12
13

14 EXAMINATION

15 BY MS. COX:

16 Q As we were saying some things we are out of practice in,
17 and I distracted you.

18 So, good morning, Mr. Contreras. My name is
19 Kimberly Cox. Last name is spelled Cox. I am a deputy
20 city attorney with the City of Tacoma, and I will be
21 asking you questions here today.

22 My colleague, also assigned to the case, to my left,
23 Jennifer Taylor, is here because we are both working on
24 the file but I will be doing the questioning, okay?

25 A All right.

1 Q Before we get really started, would you please state your
2 full name, including your middle name, and spell your
3 first, middle, and last name for the record.

4 A Zimmeri Claudius Contreraz, Z-I-M-M-E-R-I,
5 C-L-A-U-D-I-U-S, C-O-N-T-R-E-R-A-Z.

6 Q Thank you. And, Mr. Contreraz, do you go by any
7 nicknames or short versions of your name?

8 A I just go by Zim, yeah.

9 Q Do your friends call you Zim?

10 A Everybody, yeah.

11 Q Does anyone refer to you by the letter Z?

12 A No.

13 Q Okay. Have you in your lifetime been known by any other
14 names other than the nickname and the name you just put
15 on the record?

16 A Yes.

17 Q What other names?

18 A Zimmeri McNeal.

19 Q Can you spell that last name?

20 A M-C-N-E-A-L.

21 Q And have you been known by any other names?

22 A No.

23 Q And why were you known by the last name of McNeal versus
24 Contreraz?

25 A It was my name before I was adopted on my eighth

A Yeah. I have seen all three pages.

1 Q Sorry?

2 A I have seen all three pages.

3 Q All right. It's titled on the first page, "Amended
4 Notice of Video Deposition Upon Oral Examination of
5 Zimmeri Contreras," correct?

6 A Correct.

7 Q Basically, it's your notice of deposition today, right?

8 A Correct.

9 Q Have you seen this document before?

10 A Not until now.

11 Q You were aware, though, that your deposition was
12 occurring today?

13 A Uh-huh. Yes.

14 Q How long have you known about your deposition today?

15 MR. COCHRAN: Object to form just in
16 any way that it relates to attorney/client privileged
17 communications, but the actual fact you can go ahead and
18 answer to. So go ahead and answer if you can.

19 Q (By Ms. Cox) Without -- let me dovetail on that, without
20 talking about or describing conversations or
21 communications you had with your attorney or anyone at
22 his office. How long have you known about this
23 deposition?

24 A Recently. Just recently.

25 Q Would that be days, weeks, or months?

1 **A Days.**

2 Q Did you have enough time to prepare for today?

3 MR. COCHRAN: Objection to form, but
4 go ahead if you can.

5 **THE WITNESS: No. I just showed up**
6 **basically.**

7 Q (By Ms. Cox) Mr. Contreraz, have you ever had your
8 deposition taken before?

9 **A No.**

10 Q Have you ever testified in court before?

11 **A I might be have.**

12 Q So you have testified in court before?

13 **A For like speeding tickets, stuff like that.**

14 Q You understand that our court reporter has placed you
15 under oath today?

16 **A (Witness nods head.)**

17 Q Is that a yes?

18 **A Yes.**

19 Q You understand that carries the same obligation to tell
20 the truth as if you were in court under oath?

21 **A Yes.**

22 Q So let me talk a little bit about what I call ground
23 rules, but they are basically to create an understanding
24 between us so we know how the dep or deposition should
25 proceed.

1 And the first one is, can we agree that if I ask you
2 a question that doesn't make sense to you you will let me
3 know so I can rephrase it until you understand?

4 **A Yes.**

5 Q Okay. If you cannot hear the question, would you please
6 let me know?

7 **A Yes.**

8 Q If you answer the question, I will assume both that you
9 understood it and that you heard it, correct?

10 **A Correct.**

11 Q We will take breaks every hour just because that appears
12 to work the best, but if along the way you need a break
13 for any reason, as long as you have answered whatever
14 question is pending we can take a break, okay?

15 **A All right.**

16 Q I should have started with this, but in this context it's
17 not like a natural conversation. We need verbal
18 responses to my questions. And unlike normal
19 conversations, nodding your head, shaking your head,
20 saying uh-huh or huh-uh, making sounds that we understand
21 in conversation won't work. I will prompt you for a
22 verbal response, but I wanted to let you know that I'm
23 not trying to be rude. I'm trying to make sure your
24 answer is captured by our court reporter. Does that make
25 sense to you?

1 **A Yes.**

2 Q All right. This reminder is more for me than for you,
3 but especially if we get really into something, we both
4 need to remember to wait for the other person to finish
5 talking because our court reporter cannot capture more
6 than one person talking at a time. Does that make sense?

7 **A Yes.**

8 Q Okay. And our court reporter will let us know, hopefully
9 we won't get there, but she will let us know if we are
10 basically talking over each other, all right?

11 **A All right.**

12 Q Mr. Contreras, without talking -- or telling me anything
13 you discussed with counsel or anyone at his office, what
14 did you do to prepare for your deposition today?

15 MR. COCHRAN: Objection to form.
16 Again, I will reinforce if it is conversations or any
17 sort of communication with my office, do not answer. If
18 there are documents that you reviewed, go ahead and
19 answer.

20 **THE WITNESS: What I did to prepare?**
21 **I showed up basically.**

22 Q (By Ms. Cox) Did you review anything in the last week or
23 two getting ready for today?

24 **A Nope.**

25 Q Did you talk to anyone other than your attorney?

1 A No.

2 Q All right. Mr. Contreraz, what is your current address?

3 A 5601 North 37th Street.

4 Q That's here in Tacoma?

5 A Yeah.

6 Q Is there a unit number?

7 A No.

8 Q How long have you lived there?

9 A A few months.

10 Q Since when?

11 A September or October. I keep forgetting it's December
12 already.

13 Q Me too. So September or October 2023 you moved into that
14 address?

15 A Correct.

16 Q Where did you live before that?

17 A 906 North Pearl Street.

18 Q Here in Tacoma?

19 A Correct.

20 Q How long did you live there?

21 A Two years, one month.

22 Q Where did you live at the time of this incident, which we
23 both know but I will put on the record is July 12th,
24 2020, correct?

25 A Correct.

1 Q Where did you live at that time?

2 A I don't remember the name of it, but it's like a block
3 from Wright Park on Tacoma Avenue.

4 Q Was it in an apartment building?

5 A Yeah.

6 Q Do you know the name of the building?

7 A I can't remember. Yeah, I can't remember.

8 Q Is it the general area where like the Hub used to be?

9 A I don't know what that is.

10 Q Okay. So maybe not?

11 A I don't know.

12 Q So how long did you live at that location?

13 A I was there May 2020 to October 2020.

14 Q So you moved in a few months before this incident in July
15 of 2020?

16 A Correct.

17 Q Correct me if I'm wrong, of course, but did you say that
18 the apartment was on South Tacoma Avenue?

19 A Close to it. I can't think of the cross street.

20 Q Did the front door front on South Tacoma?

21 A It was like -- like Ys off kind of. I don't know what
22 this street is, but I know this one is Tacoma Avenue.

23 Q So you are near to the Stadium District than say to the
24 courthouse?

25 A Correct.

1 Q All right. Do you live with anyone right now?

2 A No.

3 Q On the date of this incident in July of 2020, did you
4 live with anyone?

5 A Nope.

6 Q Have you lived with anyone in the interval between the
7 date of the incident and today?

8 A No.

9 Q How old are you today?

10 A 38.

11 Q And your birthday?

12 A 9/19/85.

13 Q Would you please tell me your education, starting with
14 high school and proceeding through college and beyond,
15 but let's start with high school.

16 A All right. So I went to Billings West High School in
17 Billings, Montana. Then went to school at Montana State
18 University Billings for three years. And then quit
19 college for like a year, and then went back to college
20 and then quit again.

21 Q When you went back, where did you go?

22 A Same college.

23 Q Okay. And that second attempt at college, how long did
24 you stay?

25 A One semester, six months, or half a semester.

1 Q You said you went to Billings something, something and I
2 didn't catch it. What was the name of the high school?

3 A **Billings West High School.**

4 Q Okay. And you got a diploma from there?

5 A **No.**

6 Q You had a GED?

7 A **Yes.**

8 Q Why did you not get a diploma?

9 A **I was half a credit short.**

10 Q When you were in high school and even middle school or
11 the grades before high school, were you in any special
12 education programs?

13 A **Yes.**

14 Q Can you tell me about that, please?

15 A **Pretty much from elementary to high school.**

16 Q Why were you in a special education program?

17 MR. COCHRAN: Objection to form, but
18 answer if you know.

19 THE WITNESS: **Slow learner.**

20 Q (By Ms. Cox) What is your understanding of why you were
21 allegedly a slow learner?

22 A **I guess I never really had guidance with education
23 besides the teachers in public schools.**

24 Q Did you have any diagnosed learning disabilities, such as
25 dyslexia, things like that?

1 A ADHD.

2 Q Anything else?

3 A No.

4 Q How did -- is it ADHD?

5 A Uh-huh.

6 Q Sorry. How did that impact your ability to perform at
7 school, or at least up through high school?

8 MR. COCHRAN: Objection to form, but
9 go ahead if you can.

10 THE WITNESS: Can you ask that again?

11 Q (By Ms. Cox) Sure. How did -- strike that.

12 How do you think ADHD impacted your ability to
13 perform in high school?

14 A It made me just become a slow learner. All my classmates
15 were in these advanced classes, and I'm in these lower
16 classes still trying to figure out English, math,
17 science, basically just all the classes that they already
18 understood in middle school.

19 Q So I read -- and I am going to ask you to correct me if
20 this is wrong. I read that you were in the special
21 education program or programs up through eleventh grade
22 and then they mainstreamed you, meaning you left special
23 education for twelfth grade; is that correct?

24 A Correct.

25 Q Why did that happen?

1 **A** I had really good grades. Finally started to pick it up,
2 education, math, science, English, American literature,
3 and -- yeah.

4 Q So by eleventh grade you were catching up to your peers?

5 **A** Correct.

6 Q All right. What caused you to quit college?

7 **A** Student loans.

8 Q Tell me about that, please.

9 **A** They pile up quick.

10 Q And you didn't have the means to get a loan or pay them
11 back; is that correct?

12 **A** Correct.

13 Q What was your GPA when you graduated high school?

14 **A** I would like to say 3.2.

15 Q 3.2?

16 **A** Yes.

17 Q Are you guessing?

18 **A** It was like 3.19 something, but close to 2.

19 Q So you are pretty sure in the range of 3.1 or 3.2?

20 **A** Correct.

21 Q How about college, what was your GPA when you left
22 college the second time?

23 **A** 2.8.

24 Q What were you studying in college?

25 **A** General studies, health and human performance.

1 Q I'm sorry, what was that?

2 A **Health and human performance.**

3 Q What were your thoughts -- I know we are all young when
4 we are in college, but what were your thoughts about what
5 you were going to do with that kind of education as you
6 moved forward and out of college?

7 MR. COCHRAN: Objection to form, but
8 go ahead if you can.

9 THE WITNESS: **Start a career.**

10 Q (By Ms. Cox) Doing what?

11 A **PE, physical education teacher.**

12 Q Have you ever worked in that capacity?

13 A **In a sense. Summer courses in college offered like after**
14 **school programs, but they were during business hours**
15 **Monday through Friday, so that's where I decided I wanted**
16 **to go into health and human performance.**

17 Q Did you ever work as a PE teacher?

18 A **No.**

19 Q Mr. Contreraz, have you ever been married?

20 A **No.**

21 Q Do you have any children?

22 A **No.**

23 Q Do you have currently a significant other?

24 A **No.**

25 Q When was the last time you had a significant other?

1 **A Two years ago.**

2 Q Okay. What was their name?

3 **A Becca.**

4 Q Okay. Was Becca -- what was Becca's last name?

5 **A Johnson.**

6 Q And how long were you guys together?

7 **A A year. One year.**

8 Q Were you girlfriend and boyfriend or did you have a
9 different status?

10 **A Yeah, girlfriend/boyfriend.**

11 Q Do you have any family members that live in Washington
12 state?

13 **A Yes.**

14 Q Okay. What family members live in Washington state?

15 **A My biological mother and three brothers, a bunch of
16 nieces and nephews.**

17 Q You said biological mother, what's her name?

18 **A Sybil.**

19 Q And her last name?

20 **A Grant.**

21 Q Common spelling?

22 **A Yes.**

23 Q All right. And where does your mom live?

24 **A Capitol Hill in Seattle.**

25 Q Okay. And three brothers, are these biological brothers?

1 **A Correct.**

2 Q And where are they living?

3 **A Seattle.**

4 Q And are you close with those brothers?

5 **A Off and on we talk.**

6 Q Is that -- talking may not be close, so I am going to ask
7 the question again. Do you believe you are close with
8 these three brothers?

9 MR. COCHRAN: Objection to form, but
10 go ahead if you can.

11 **THE WITNESS: Not at the moment.**

12 Q (By Ms. Cox) I understand that from what you just said
13 about your surname McNeal, and the fact that you were
14 adopted, plus I've obviously read some of your records,
15 that you were in the foster care system for a number of
16 years when you were a child, correct?

17 **A Correct.**

18 Q From what age to what age?

19 **A Since after I was born until about eight when I got**
20 **adopted.**

21 Q Was the family surname of the family that adopted you
22 Contreraz?

23 **A Contreraz, correct.**

24 Q Were you in the foster care system in this state or
25 another state?

1 **A Billings, Montana.**

2 Q And why did you enter the foster care system as a baby?

3 MR. COCHRAN: Objection to form, but
4 you can answer if you know.

5 **THE WITNESS: I have no idea.**

6 Q (By Ms. Cox) You have no idea?

7 **A No.**

8 Q You are in contact --

9 **A I was too young to remember.**

10 Q Isn't it true that you went into foster care as a baby
11 because of parents or parent drug use?

12 MR. COCHRAN: Objection to form, but
13 you can answer if you know.

14 **THE WITNESS: I'm guessing so, yes.**

15 Q (By Ms. Cox) You are still in contact with your
16 biological mom Sybil Grant, correct?

17 **A Yes.**

18 Q Have you ever asked her about it?

19 **A Yes.**

20 Q What did you learn from that?

21 **A People make mistakes.**

22 Q Were those mistakes related to drug use when you were a
23 baby?

24 **A Correct.**

25 Q Were you diagnosed with fetal alcohol syndrome when born?

1 **A Yes.**

2 MR. COCHRAN: I will just object to
3 form, but go ahead.

4 **THE WITNESS: Yes, I was diagnosed**
5 **with fetal alcohol syndrome.**

6 Q (By Ms. Cox) Was your biological father, did he play a
7 role whatsoever in your life?

8 **A No.**

9 Q So the Contreras family adopted you when you were eight,
10 correct?

11 **A Correct.**

12 Q And they raised you until you were an adult?

13 **A Correct.**

14 Q Are you on good terms with the Contreras family?

15 **A Yes, I am.**

16 Q Where do they live?

17 **A Billings, Montana.**

18 Q And are your parents, your adoptive parents still alive?

19 **A Deceased.**

20 Q And how long has your father, your adoptive father, been
21 deceased?

22 **A The year 2000 when I was 15.**

23 Q And how about your adoptive mother?

24 **A 2004.**

25 Q So that made you 19?

1 **A 18.**

2 Q Were you out of high school?

3 **A I just graduated, or I just got done with high school.**

4 Q That's pretty young. Sorry about that.

5 Do you have any siblings in the Contreraz family?

6 Let me rephrase that.

7 Do you have any adoptive siblings?

8 **A In the Contreraz family?**

9 Q Yes. Well, it's your family so it's an awkward ask.

10 **A One.**

11 Q Is that a sister or brother?

12 **A Brother.**

13 Q And do you have a relationship with him now?

14 **A We haven't spoken.**

15 Q In how long?

16 **A In 20 years.**

17 Q Why is that?

18 **A Lost contact information for him.**

19 Q What was his name?

20 **A Richard.**

21 Q Rich Contreraz?

22 **A Correct.**

23 Q Are any of the Contreraz family members that you grew up
24 with still alive and living in Billings, Montana?

25 **A Yes, all of them.**

1 Q When you say "all of them," who would that be other than
2 Richard?

3 A All of my adoptive parents' children.

4 Q Okay. So they had other children in the house other than
5 Richard?

6 A Not in the house, just in the family, correct.

7 Q Were you the youngest?

8 A Yes, I was.

9 Q Tell me what about you recall about your time in foster
10 care.

11 A It was -- I don't know. It was just homes I went to and
12 then that was it.

13 Q Okay. How many different homes do you recall being in
14 before you landed with the Contrerazes?

15 A A lot.

16 Q What is a lot?

17 A Too young to even remember how many exactly, just a lot.

18 Q More than two or three foster homes?

19 A Correct.

20 Q Are you, Mr. Contreraz, currently employed?

21 A Yes.

22 Q Where are you employed?

23 A With People Ready.

24 Q What type of business or enterprise is that?

25 A It is a temp service in Tacoma.

1 Q How long have you been employed there?

2 A Since September.

3 Q September 2023?

4 A Correct.

5 Q What is your position?

6 A Labor.

7 Q So are you a temporary employee that People Ready hires
8 out to employers?

9 A Correct.

10 Q And is it on an on-call basis?

11 A Not at the moment. At the moment full time.

12 Q How does it work?

13 A They call you up and ask you -- they tell you about the
14 job and ask you your availability and you can accept it
15 or not accept it. That's basically it.

16 Q And you do mostly labor?

17 A Yes.

18 Q Okay. What kind of labor?

19 A Maintenance, repair for apartment complexes.

20 Q So like handyman repair stuff?

21 A Correct.

22 Q They know you have three years of college?

23 A Yes.

24 Q Where did you work before you were doing temporary work
25 through People Ready?

1 **A Smart Talent.**

2 Q Smart Talent?

3 **A Correct.**

4 Q From when to when did you work with Smart Talent?

5 **A Off and on 2022, 2023.**

6 Q Did you work for anyone else during that same period?

7 **A No.**

8 Q Before Smart Talent, where did you work?

9 **A Goodfella's Motor Company.**

10 Q Sorry. What was that?

11 **A Goodfella's Motor Company.**

12 Q Where are they located?

13 **A Tacoma.**

14 Q And so from when to when did you work there?

15 **A March 2021 to July 2021.**

16 Q So that was during the period of time when you weren't
17 working for Smart Talent?

18 **A Correct.**

19 Q So when you would leave Smart Talent you would work
20 elsewhere?

21 **A Correct.**

22 Q Okay. So from 2020 to 2023 when you were working
23 intermittently for Smart Talent you worked for
24 Goodfella's Motor Company?

25 **A In 2021. Or last year, 2022.**

1 Q Is when you worked for Goodfella's?

2 A Correct.

3 Q What was your position with Smart Talent?

4 A Labor.

5 Q Smart Talent is also a staffing agency?

6 A Correct.

7 Q So did it work similar or the same as People Ready does?

8 A Yeah. Exactly like how they do.

9 Q What kind of work would you pick up through Smart Talent?

10 A Forklift jobs, forklift driver.

11 Q Do you have to have like a license or a certification to
12 be a forklift driver?

13 A Yes.

14 Q And you had that?

15 A Yes.

16 Q For how long have you had that?

17 A Each company does their own training for everyone hired
18 on as forklift drivers, so you do their classes, their
19 paperwork, their training, watch their videos, and then
20 you get certified through their company on their
21 property.

22 Q What was your position with Goodfella's Motor Company?

23 A Salesman.

24 Q Am I correct to assume salesman for cars?

25 A Car salesman, correct.

1 Q What kind of cars?

2 A Various different cars.

3 Q Were these used cars?

4 A Correct.

5 Q Did you work anywhere else from 2020 to 2023 while you
6 were working also for Smart Talent?

7 A No.

8 Q So do I have it right that the two jobs you had from 2020
9 to 2023 were intermittently with Smart Talent and then
10 for it looks like about four months for Goodfella's Motor
11 Company?

12 A I worked -- yeah. I worked one day at LA Fitness or two
13 days, membership sales this year. I want to say in July
14 2023.

15 Q Why such a short stay at LA Fitness?

16 A It was just not what I was expecting.

17 Q How so?

18 A A lot of cold calling trying to get customers to buy
19 memberships.

20 Q Did you not enjoy that?

21 A No.

22 Q Why not?

23 A I'm more of like a face to face type of person in the
24 sales industry.

25 Q Where did you work at the time of this incident in July

1 of 2020?

2 A Tacoma Dodge.

3 Q Okay. Here in Tacoma, obviously?

4 A Correct.

5 Q And what kind of business is that?

6 A It is a car dealership.

7 Q Okay. And from when to when did you work at Tacoma

8 Dodge?

9 A February 2020 until September 2020.

10 Q What was your position there?

11 A Car salesman.

12 Q Were you salaried or commission?

13 A Salary.

14 Q No commission?

15 A The commission is a salary so basically paid once a

16 month.

17 Q Was it dependent on your sales?

18 A Correct.

19 Q So that sounds more like a commission not to salary to

20 me, would you agree?

21 MR. COCHRAN: Objection to form, but
22 go ahead if you can.

23 THE WITNESS: Commission job?

24 Q (By Ms. Cox) Yes.

25 A Yes.

1 Q Okay. Because you weren't guaranteed you were going to
2 get paid every month if you didn't sell anything,
3 correct?

4 A We had a \$500 draw on the 15th and on the 25th of every
5 month that we were able to take out before we got our
6 main paycheck on the 5th of every month.

7 Q Okay. Could you draw if you hadn't sold anything that
8 month?

9 A Yes.

10 Q Okay. Why did you leave Tacoma Dodge?

11 A I wasn't in a mental capacity to be selling cars.

12 Q Why not?

13 A For the events that happened prior to me quitting on July
14 12th, 2020.

15 Q Are you saying that the incident on July 12th, 2020 led
16 you to leave Tacoma Dodge?

17 A Correct.

18 Q What were the terms of your departure from Tacoma Dodge?

19 A My head wasn't in the right space to be selling vehicles.
20 It's basically the conversation I had with the general
21 manager and that was it.

22 Q Did you quit or were you fired?

23 A It was more of a separation where they called me in the
24 office and we went over some paperwork and separated.

25 Q Who was your direct supervisor when you worked at Tacoma

1 Dodge?

2 A A guy named Troy.

3 Q Troy what?

4 A I don't know his last name. I can't remember, but they
5 just called him Casper, though.

6 Q Casper?

7 A Yes.

8 Q Why?

9 A That was his nickname at the dealership and that's what
10 everybody called him, and that's what we called him.

11 Q Have you had any contact with him since you left
12 employment there?

13 A No.

14 Q Okay. What was your average -- what were your average
15 sales prior to July 12th, 2020 at Tacoma Dodge?

16 MR. COCHRAN: Objection to form, but
17 go ahead.

18 THE WITNESS: What was my average
19 sales? It was shut down because of Covid.

20 Q (By Ms. Cox) Okay.

21 A For a hundred days I believe it was.

22 Q So in July of 2020 the Tacoma Dodge was shut down?

23 A Prior to that in March is when I believe they had the
24 shutdown for all the dealerships in the state.

25 Q For how long was the dealership closed due to Covid?

1 A I would say a hundred days. Definitely over three
2 months.

3 Q So March, April, May of 2020?

4 A Correct.

5 Q Okay. So they were not closed and you were employed
6 there in June of 2020?

7 A Say that again, please.

8 Q You said they were closed for a hundred days, about three
9 months. So if they closed in March of 2020 due to Covid,
10 about three months later is March, April, May, and then
11 June you would be back in business, correct?

12 A Correct.

13 Q So you believe you were back there working in June of
14 2020?

15 A Correct.

16 Q And you were still working there as of the morning of
17 July 12th, 2020?

18 A Correct.

19 Q Okay. And what were your sales in June of 2020 at Tacoma
20 Dodge?

21 MR. COCHRAN: Objection to form, but
22 go ahead if you can.

23 THE WITNESS: I do not recall.

24 Q (By Ms. Cox) How many hours a week were you working the
25 week before this incident?

1 **A Fifty.**

2 Q Five zero?

3 **A Five zero.**

4 Q And you, I assume, got a W2 for your work at Tacoma Dodge
5 in 2020, correct?

6 **A Correct.**

7 Q Mr. Contreraz, where did you work the five years before
8 this incident? And when I say "this incident," I want to
9 be clear we are always talking about July 12th, 2020,
10 okay?

11 **A All right.**

12 Q So the five years before that, where else did you work?

13 **A Cascade Millwork & Supply and McFarland Cascade.**

14 Q Can you spell -- did you say McForeman?

15 **A McFarland Cascade.**

16 Q What kind of business is Cascade Millwork & Supply?

17 **A Millwork, doors, trim for houses, interior trim.**

18 Q What was your position?

19 **A Driver.**

20 Q Driver?

21 **A Driver.**

22 Q What were you driving?

23 **A A 30-foot box truck.**

24 Q A 30-foot box truck?

25 **A Correct.**

1 Q And were you delivering supplies?

2 A Yes.

3 Q And from when to when did you work with Cascade Millwork?

4 A September 2019 to January 2020.

5 Q Is Cascade Millwork here in Tacoma?

6 A Correct.

7 Q Why did you leave Cascade Millwork?

8 A Seeking better employment.

9 Q What better employment?

10 A Just higher hourly pay.

11 Q When did you work at McFarland Cascade? Is it McFarland
12 what, Cascade?

13 A Cascade.

14 Q Okay. Couldn't read my own handwriting.

15 So when did you work at McFarland?

16 A Oh, hmm, March 2015 to November 2018.

17 Q What was your position there?

18 A Operating engineer.

19 Q Can you give me a couple sentences or less on what your
20 duties and responsibilities were as an operating
21 engineer?

22 A Driving a forklift.

23 Q Anything else?

24 A Operating machines.

25 Q What kind of machines?

1 **A Machines that sorted lumber.**

2 Q Okay. Is McFarland here in Tacoma?

3 **A Yes.**

4 Q Okay. Why did you leave McFarland?

5 **A Burned out.**

6 Q Okay. Did you quit or were you fired?

7 **A Quit.**

8 Q Okay. I guess I should have asked you the same about
9 Cascade Millwork, did you quit or were you fired?

10 **A Quit.**

11 Q Did you work anywhere else in the five years before this
12 incident, so from July 2000 -- tricky math -- July 2015
13 to July 2020, did you work anywhere else other than
14 Cascade Millwork and McFarland Cascade?

15 **A Mountain Construction.**

16 Q Where are they located?

17 **A Tacoma.**

18 Q And from when to when did you work there?

19 **A I want to say like the beginning part of 2019. I don't**
20 **remember the exact dates.**

21 Q For how long did you work there?

22 **A Around six months, I would like to say.**

23 Q What was your position there?

24 **A Carpenter.**

25 Q What did you work on as a carpenter?

1 **A Buildings.**

2 Q Like residents?

3 **A Commercial.**

4 Q Oh, commercial.

5 **A Commercial buildings.**

6 Q Okay. Why did you leave that job?

7 **A Disagreement with the company.**

8 Q What was the disagreement about?

9 **A Driving.**

10 Q Tell me more about that.

11 **A They are based in Tacoma. They will reimburse you for**
12 **gas after 30 miles outside of Tacoma city limits. And**
13 **some of their jobs were two or three hours away, so**
14 **commuting five to six hours round trip was not what I was**
15 **fond of.**

16 Q Okay. So you quit because the commute took too much
17 time?

18 **A Correct.**

19 Q Any other reasons?

20 **A No.**

21 Q Are you doing -- have we talked about every employer you
22 had between July 2015 and July 2020?

23 **A Yes.**

24 Q So you had periods of unemployment in there as well?

25 **A Correct.**

1 Q Okay. Did you have a moving business?

2 A No.

3 Q Okay. Do you do any kind of moving work now?

4 A Did.

5 Q When was the last time you did any kind of moving work?

6 A Summer.

7 Q Summer of 2023?

8 A Correct.

9 Q And what kind of moving do you typically do?

10 A Load up you U-Haul trucks, unload U-Haul trucks.

11 Q And how do you get your jobs?

12 A Craigslist.

13 Q For how long have you been doing moving, either on a
14 regular basis or an intermittent basis?

15 A Off and on.

16 Q For how many years?

17 A Three.

18 Q You said the last time you worked as a mover is summer of
19 2023. What kind of job was that?

20 A Loading up a U-Haul truck.

21 Q At someone's house or someone's business?

22 A Yeah, someone's house, residential.

23 Q So you would be moving like furniture and stuff?

24 A Yes.

25 Q Mr. Contreraz, have you ever applied for disability or

1 disability benefits?

2 **A No.**

3 Q Do you have any military service?

4 **A No.**

5 Q Do you regularly volunteer anywhere?

6 **A No.**

7 Q Have you ever regularly volunteered in the last five
8 years anywhere?

9 **A No.**

10 Q Have you ever been an employee of the City of Tacoma or
11 Pierce County?

12 **A No.**

13 Q Do you have ownership in any companies?

14 **A No.**

15 Q Have you ever had ownership of any kind in any company?

16 **A No.**

17 Q Any business enterprise?

18 **A Nope.**

19 Q Do you have any criminal -- I ask everybody this,
20 criminal arrests or convictions since the age of 18?

21 **A Yes.**

22 Q How many?

23 **A I don't know.**

24 Q How many arrests?

25 **A I do not know.**

1 Q More than two?

2 A Yeah.

3 MR. COCHRAN: Objection to form. Go
4 ahead.

5 Q (By Ms. Cox) So more than two arrests?

6 A Yes.

7 Q More than ten?

8 MR. COCHRAN: Objection to form, but
9 go ahead if you can.

10 THE WITNESS: No.

11 Q (By Ms. Cox) What state did those arrests occur in?

12 A Montana and Washington.

13 Q Okay. And have you been convicted of any crime, whether
14 a misdemeanor or a felony since you turned 18?

15 A Yes.

16 Q How many convictions do you have?

17 A Do not know.

18 Q More than two?

19 A Yes.

20 Q More than ten?

21 A No.

22 Q And what states do you have those convictions?

23 A Montana and Washington.

24 Q Regarding the arrests in Montana, what were you arrested
25 for?

1 **A Drinking and driving.**

2 Q So driving under the influence?

3 **A Correct.**

4 Q How old were you?

5 **A 21.**

6 Q In what city or county did that arrest occur?

7 **A Billings. Yellowstone County.**

8 Q And any other arrests in Montana that you can recall
9 since age of 18?

10 **A Yes.**

11 Q What were you arrested for?

12 **A Disorderly conduct.**

13 Q How old were you?

14 **A 22.**

15 Q And where were you arrested as far as city or county?

16 **A Bozeman, Montana.**

17 Q Any other arrests in Montana since the age of 18?

18 **A Billings for disorderly.**

19 Q How old were you?

20 **A 22.**

21 Q Any other arrests in Montana?

22 **A Not that I can recall.**

23 Q Okay. How old were you when you moved from Montana to
24 Washington?

25 **A How old was I?**

1 Q Yes.

2 A 29.

3 Q Do you more easily remember the year you moved?

4 A Yes.

5 Q What year did you move?

6 A 2014.

7 Q And you moved straight from Montana to Washington state?

8 A Correct.

9 Q Have you lived in any other state other than Montana and
10 Washington?

11 A I have lived in California.

12 Q Okay. Where in California?

13 A San Diego.

14 Q And from when to when did you live in San Diego?

15 A When I was 22 to 22.

16 Q So you were 22 years olds when you lived in San Diego?

17 A Correct.

18 Q Okay. Tell me about what led to you getting arrested for
19 disorderly contact in Bozeman when you were 22 years old.

20 MR. COCHRAN: Objection to form, but
21 go ahead if you can.

22 THE WITNESS: Drinking.

23 Q (By Ms. Cox) Just drinking or what else happened?

24 A Drinking, that was it.

25 Q So the disorderly conduct arrest was based purely on the

fact that you were drinking at the age of 22?

A Yeah, basically drinking outside of a bar.

Q So that's your understanding of what disorderly conduct entails, it was drinking outside of an established facility?

MR. COCHRAN: Objection to form, but go ahead if you can.

THE WITNESS: Yeah. Basically, yeah.

Q (By Ms. Cox) And what drew law enforcement's attention to you?

MR. COCHRAN: Objection to form. Answer if you can.

THE WITNESS: Just walking down the street and standing outside with some people and a cop came in and that's what led to it.

Q (By Ms. Cox) Were you holding a beverage or something obviously alcoholic?

A No. They didn't allow outside.

Q I'm sorry. What?

A They didn't allow outside drinks at any bars.

Q So you were just -- you had just -- you had consumed alcohol and you were outside and you got arrested for disorderly conduct?

A That asked to see my ID.

Q And what happened?

1 **A I refused.**

2 Q Okay. And then what happened?

3 **A They put me in handcuffs.**

4 Q Did you do anything else between refusing and being put
5 in handcuffs?

6 **A No.**

7 MR. COCHRAN: Objection to form. Go
8 ahead.

9 Q (By Ms. Cox) What happened to -- after that arrest?

10 **A I had to do a day of community service. County work they**
11 **called it.**

12 Q No one got assaulted, right?

13 **A No.**

14 Q Okay. No other charges, just disorderly conduct?

15 **A Yes.**

16 Q Okay. So tell me what led to your arrest with disorderly
17 conduct the same year it looks like, and you were also
18 22, but in Billings, Montana.

19 MR. COCHRAN: Objection to form, but
20 go ahead if you can.

21 **THE WITNESS: Not going to court, or**
22 **not doing these two hours of classes for mandatory DUIs.**
23 **And once again an officer saw me and I refused ID.**

24 Q (By Ms. Cox) I'm not sure I understand how the refusing
25 ID is related to not going to classes related to DUIs,

1 can you tell me?

2 **A They put a warrant out for my arrest for not going to**
3 **these mandatory classes and I never even knew about these**
4 **classes. I was supposed to be at them.**

5 Q So the DUI you got when you were 21 in Billings led to
6 some requirements, some of which were classes that you
7 didn't know about and didn't go to?

8 **A Correct.**

9 MR. COCHRAN: Objection to form, but
10 go ahead.

11 Q (By Ms. Cox) And so your understanding is a warrant was
12 issued for your arrest?

13 **A Correct.**

14 Q Okay. And then the officers contacted you in Billings
15 when you were 22 and asked for your ID, correct?

16 **A Correct.**

17 Q You refused?

18 **A Yes.**

19 Q And they arrested you for disorderly conduct?

20 **A Yes.**

21 Q Did anything else happen during that contact with the
22 officers?

23 **A That's when they informed me that after they got my ID**
24 **out of my pocket that I had a warrant out for not going**
25 **to these classes.**

1 Q Did anything else happen during that encounter with the
2 officers?

3 MR. COCHRAN: Objection to form, but
4 go ahead if you can.

5 **THE WITNESS: Nope.**

6 Q (By Ms. Cox) Okay. Nobody got assaulted?

7 **A Huh-uh.**

8 Q Is that a no.

9 **A No. Sorry. My bad, no.**

10 Q That happens.

11 MR. COCHRAN: Can we take our break?

12 MS. COX: Can I finish this section
13 with one or two questions and then we can definitely?

14 MR. COCHRAN: Sure.

15 Q (By Ms. Cox) Do you have recollection of any other
16 arrests since you were 18 in the state of Montana that we
17 haven't talked about?

18 **A That was a long time ago, no.**

19 Q Okay.

20 **A Not that I can recall.**

21 MS. COX: All right. Let's take a
22 break. How much time do you think people need, ten
23 minutes?

24 MR. COCHRAN: Five is fine. I just
25 want to go to the bathroom.

MS. COX: So 11:03'ish?

MR. COCHRAN: Sure.

THE VIDEOGRAPHER: Going off record.

Time now is 10:57 a.m.

(Recess 10:57 a.m. to
11:13 a.m.)

THE VIDEOGRAPHER: Back on record.

Time now is 11:12 a.m.

Q (By Ms. Cox) Before we took the break, Mr. Contreraz, we were talking about your arrest in Montana and you believe you had described all the ones you could recall.

Are there any others in Montana that you can recall now that we have taken a break?

A Not that I can recall.

Q Okay. So let's look at the arrests that you recall occurring in Washington state. Tell me what you were arrested for in Washington state.

A Drinking and driving.

Q Any other arrests?

A Not that I can recall.

Q How many times were you arrested in Washington state for drink and driving?

A Two times.

Q And that would actually be DUI, or driving under the

1 influence?

2 **A Correct.**

3 Q And what years were you arrested for DUI in the state of
4 Washington?

5 **A 2019 and 2020.**

6 Q Okay. 2020 was April of 2020 in Tacoma, correct?

7 **A Correct.**

8 Q And 2019, was that in Puyallup?

9 **A Correct.**

10 Q Okay. I understand you were charged with initially
11 vehicular assault in the 2020 or the 2019 -- I'm sorry.
12 I got the wrong date. The 2020 DUI in Tacoma, correct?

13 **A Correct.**

14 Q We will talk more about that later.

15 The 2019 DUI out of Puyallup, what were you charged
16 with?

17 **A Reckless driving.**

18 Q So you were arrested for driving under the influence and
19 it was reduced to reckless driving upon conviction?

20 **A If I met certain court meetings.**

21 Q So court obligations?

22 **A Correct.**

23 Q If you met those it would be reduced from DUI to reckless
24 driving?

25 **A Correct.**

1 Q And you did as you were told or asked to by the court and
2 it was reduced to reckless driving?

3 A Yes.

4 Q What year did that happen?

5 A This year.

6 Q So the Puyallup matter finally resolved this year in
7 2023?

8 A Correct.

9 Q Any other arrests or convictions in the state of
10 Washington that we haven't already talked about?

11 A Arrested for not going to court for the Tacoma incident.

12 Q You were arrested on a warrant, correct?

13 A Correct.

14 Q And the warrant was issued because you failed to comply
15 with the conditions of release in the 2020 DUI out of
16 Tacoma?

17 A No.

18 Q What's wrong about that statement?

19 MR. COCHRAN: Objection to form, but
20 go ahead if you can.

21 THE WITNESS: I was arrested for
22 failing to appear by video for a DUI in Puyallup.

23 Q (By Ms. Cox) Oh, so there was a warrant for your arrest
24 because you failed to appear in court?

25 A Yes.

1 Q And it was for the Puyallup, the 2019 Puyallup DUI?

2 A **No, it was for the 2020 DUI in Tacoma.**

3 Q Okay. How many times have you been arrested on a warrant
4 in the state of Washington?

5 MR. COCHRAN: Objection to form, but
6 go ahead if you can.

7 THE WITNESS: **Maybe twice.**

8 Q (By Ms. Cox) And what years were you arrested on a
9 warrant?

10 A **2020.**

11 Q So you were arrested twice in 2020 on the warrant?

12 A **Correct.**

13 Q And both those warrants related to your Tacoma DUI?

14 A **To both of them, the Puyallup and Tacoma.**

15 Q Okay. So two warrants, you were arrested twice pursuant
16 too warrants in 2020?

17 A **Correct.**

18 Q What agencies arrested you on those warrants?

19 A **The Lakewood and Bellevue Police Departments.**

20 Q All right. So any other arrests or convictions in any
21 state that we haven't already talked about?

22 A **Nope.**

23 Q Have you ever filed an insurance claim either against
24 your insurance or someone else's insurance?

25 MR. COCHRAN: Objection to form, but

1 go ahead if you can.

2 **THE WITNESS: What type of insurance?**

3 **Car insurance? Health insurance?**

4 Q (By Ms. Cox) Any type. Car, house, any kind of
5 insurance.

6 **A No.**

7 Q Have you been involved in any other lawsuits other than
8 the present lawsuit, either as a party or a witness?

9 **A No.**

10 Q Okay. This would include lawsuits involving restraining
11 orders or protection orders, does that change your
12 answer?

13 MR. COCHRAN: Objection to form, but
14 go ahead.

15 **THE WITNESS: What was that? Sorry.**

16 Q (By Ms. Cox) So the question was, have you ever been
17 involved as a party or a witness in any other lawsuits
18 other than the present one and you said no. So I
19 clarified and said that also includes suits or
20 litigation, I should say, involving protection orders and
21 restraining orders, does that change your answer?

22 MR. COCHRAN: Objection to form, but
23 go ahead if you can.

24 **THE WITNESS: Yeah, one lawsuit.**

25 Q (By Ms. Cox) What year?

1 **A This year.**

2 Q This year?

3 **A This year.**

4 Q I'm sorry, I can't hear.

5 **A This year.**

6 Q Okay. What was that about?

7 **A My apartment complex I was living at at the time.**

8 Q What about your apartment complex?

9 **A They said they were going to file a lawsuit against me.**

10 Q For what?

11 **A Parking my vehicle on the property and not following**
12 **rental guidelines.**

13 Q Okay. Is that the place where you live right now?

14 **A That was my last place.**

15 Q The one just before the current place?

16 **A Correct.**

17 Q All right. Has that resolved?

18 **A Yes.**

19 Q And how did it resolve?

20 **A Myself and the property management came up with the**
21 **solution that if I moved out before September 1st they**
22 **would drop it, and that's how it was resolved.**

23 Q How about any petitions for restraining orders or
24 protection orders made by you, have you been involved in
25 any of those kind of matters?

1 **A Yes.**

2 Q How many?

3 **A Maybe two.**

4 Q Okay. Tell me about the first one.

5 **A It was in Billings, Montana, and I was seeing this woman**
6 **and I did not know she was married until like eight**
7 **months later, and she lived with her husband and he**
8 **convinced her to get a restraining order.**

9 Q So the husband sought the restraining order against you?

10 **A The husband convinced the wife and -- or it was his idea**
11 **and I think he got one too.**

12 Q Okay. What year was that?

13 **A Oh, I don't know. I don't remember. 2011 maybe.**

14 Q Okay. Did they ultimately get a restraining order?

15 **A Yes.**

16 Q Did you have any further issues with them?

17 **A No.**

18 Q Okay. Any other matters where you were either the
19 subject, the person against whom they wanted a
20 restraining or protection order, or where you sought a
21 restraining order or protection order, are there any
22 other matters?

23 **A Yes.**

24 Q Where?

25 **A Tacoma.**

1 Q When?

2 A 2020.

3 Q When in 2020?

4 A Summertime. I want to say maybe June.

5 Q So before this incident?

6 A Correct.

7 Q Okay. Tell me about that one.

8 A Dated a girl and her -- she had a kid and the ex-husband
9 and I didn't get along so basically he didn't want his
10 kid or her around me, so convinced her to get a
11 restraining order or he would get -- take her to court
12 for full custody.

13 Q How did that matter eventually turn out?

14 A Just went nowhere basically. We just stopped talking and
15 that was it.

16 Q Did anyone actually get a restraining or protection
17 order?

18 A Yes.

19 Q Who got the order?

20 A The girl.

21 Q What is her name?

22 A Kelley.

23 Q How do you spell Kelley?

24 A K-E-L-L-E-Y.

25 Q And her last name?

1 **A Duggan, D-U-G-G-A-N.**

2 Q Are you still in contact with Ms. Duggan?

3 **A No.**

4 Q When was the last time you had contact with her?

5 **A Probably last year.**

6 Q Last year like 2022?

7 **A Yes, 2022.**

8 Q Okay. Any other matters where you have been involved as
9 either a party or a witness, including retraining orders
10 or protection orders, we haven't already talked about?

11 **A No.**

12 Q How tall are you, Mr. Contreraz?

13 **A Six-one.**

14 Q And your weight?

15 **A Probably 245.**

16 Q And I'm assuming your height was the same in July of
17 2020?

18 **A Correct.**

19 Q And was your weight the same in 2020 -- in July of 2020?

20 **A I was probably like 20 pounds lighter.**

21 Q You think your medical records would reflect that?

22 **A Maybe.**

23 Q Are you sure you were 20 pounds lighter?

24 **A Maybe ten.**

25 Q How would you describe your build?

1 MR. COCHRAN: Objection to form, but
2 go ahead if you can.

3 THE WITNESS: My build, as in body
4 build?

5 Q (By Ms. Cox) Yes.

6 A Average.

7 Q Okay. How about July of 2020?

8 A The same.

9 Q Was your build markedly or noticeably different in July
10 of 2020 than it is today?

11 A I was a little skinnier.

12 Q In July of 2020?

13 A Yes.

14 Q And how do you know that?

15 A Because my shirts fit a lot better.

16 Q In July of 2020?

17 A Yes.

18 Q Okay. So directing your attention to the reason why we
19 are here, the main reason anyway, July 12th, 2020 you
20 agree that's the date of the incident that forms the
21 basis of your lawsuit, right?

22 A Yes.

23 Q Tell me about your day before you went to Wright Park.
24 Just in general, tell me about your day.

25 A It was good. I showed up to the Dodge dealership at

1 eleven o'clock. Clocked in at 11:45, and I think I sold
2 a car that day so I was relatively good.

3 Q So you showed up around eleven o'clock at your place of
4 employment?

5 A Correct.

6 Q And when did you leave?

7 A Seven p.m.

8 Q Is that your expected departure time from work?

9 A We are scheduled for anywhere from eight hours to nine
10 hours, but if it is a slow day they -- the sales managers
11 will let us leave at seven p.m.

12 Q And that's what happened on July 12th?

13 A Correct.

14 Q And so had a good day at work. What did you do when you
15 were released at seven p.m.?

16 A I called a Lyft ride because I was not driving at the
17 moment and went back to my apartment, changed in gym
18 clothes and went to the park.

19 Q And what were your plans as far as the evening before you
20 ever saw any officers from Tacoma Police Department?

21 A Just play on my phone and listen to music.

22 Q In Wright Park?

23 A Yes.

24 Q Okay. Who was the last person who knows you that saw you
25 before you were contacted by the police officers?

1 **A I have no idea.**

2 Q Did you see any friends that day?

3 **A No.**

4 Q And who at work was the last to see you before you left
5 work that day?

6 **A Co-workers, sales managers, everyone on shift.**

7 Q Give me a name or two.

8 **A Oh, Danny Pena, and the other sales manager that were in**
9 **the office by the computer we clock out, and I cannot**
10 **remember his name.**

11 Q How do you spell Mr. Pena's last name?

12 **A P-E-N-A, Danny Pena.**

13 Q What was his position at Dodge?

14 **A Sales manager.**

15 Q Who is the first person who knows you that either saw you
16 or talked to you after this incident with the officers?

17 MR. COCHRAN: Objection to form, but
18 go ahead if you can.

19 **THE WITNESS: These people that were**
20 **watching the incident happen.**

21 Q (By Ms. Cox) Did they know you?

22 **A I spoke briefly with the woman a week prior about her**
23 **dog.**

24 Q Other than those two people, which we will talk about
25 later, who is the last person who knew you or first

1 person -- let me strike that.

2 Other than those two people, who is the first person
3 who knew you that you spoke to or saw after this
4 incident?

5 **A Steve Crosetti, the general manager at Tacoma Dodge the**
6 **next morning when I got to work.**

7 **Q** How do you spell Crosetti?

8 **A Oh, man I don't know.**

9 **Q** You saw him, he's the first person who knew you that you
10 saw or spoke to after this incident?

11 **A Correct.**

12 **Q** So the next morning July 13th?

13 **A Yes.**

14 **Q** What time?

15 **A Eleven I want to say.**

16 **Q** Okay.

17 **A Maybe ten. I don't know. It was in the morning.**

18 **Q** In the 24 hours prior to the officers contacting you at
19 Wright Park on July 12th, had you used any drugs, whether
20 legal or illegal, prescribed or not prescribed?

21 **A No.**

22 **Q** In the 24 hours prior to the officers contacting you on
23 July 12th, had you consumed any alcohol in any quantity?

24 **A No.**

25 **Q** Other than the officers and Mr. Smith and Ms. Wade, the

1 two people I will represent to you who contacted you
2 after the incident, did you talk with anyone else in the
3 park that day?

4 **A No.**

5 Q Did you see anyone you knew in the park that day?

6 **A No.**

7 Q And you mentioned the female, the male and female who
8 contacted you after the incident and you said you had
9 seen her a week before somewhere?

10 **A She was at the park walking a dog.**

11 Q And my understanding is her name is Chrissy or Christina
12 Wade, W-A-D-E, do you know her name?

13 **A I was not aware of her name.**

14 Q And you had only seen her that one time before this
15 incident?

16 **A Briefly, 45 seconds maybe, asked her about her dog.**

17 Q And that encounter occurred also in Wright Park?

18 **A Yes.**

19 Q So tell me, Mr. Contreraz, what happened starting with
20 the first time you realized the officers were approaching
21 you. Tell me what happened.

22 MR. COCHRAN: Objection to form, but
23 go ahead if you can.

24 **THE WITNESS: Approaching me like**
25 **walking or driving their vehicles?**

1 Q (By Ms. Cox) Doesn't matter, but let me rephrase it for
2 you. Tell me what happened this day.

3 MR. COCHRAN: Objection to form, but
4 go ahead if you can.

5 THE WITNESS: Sitting on a park bench
6 I always sit up and cop cars pulled up in the grass in
7 front of me.

8 Q (By Ms. Cox) How many cop cars?

9 A Two.

10 Q Okay.

11 A SUV and a sedan, four-door sedan cop car pulled up about
12 ten feet in front of me and just sat and then left. And
13 I had no idea what was going on.

14 Q What happened after that?

15 A It was a brief moment, three to four minutes nothing
16 happened. They just drove off, and then I hear "Put your
17 hands behind your back."

18 Q Did you see who said that?

19 A Oh, I didn't know who they were talking to. And I stand
20 up and there's eight to nine cops spread out and two had
21 their guns drawn on me.

22 Q So you were sitting on the bench, two patrol vehicles
23 approached you from the front?

24 A Correct.

25 Q Paused and then left?

1 A Correct.

2 Q Three or four minutes passed and the next thing you know
3 you hear someone say "Put your hands behind your back"?

4 A Correct.

5 Q Did you see any officers before you heard the words "Put
6 your hands behind your back"?

7 A Just the two officers that were parked -- park bench, I'm
8 facing west, they parked there cars there. I'm sitting
9 there facing west and the cops came from behind so I
10 wasn't staring behind me.

11 Q Who said "Put your hands behind your back"?

12 A Don't know.

13 Q It was just one officer?

14 A One officer.

15 Q And they were in a vehicle or on foot?

16 A All of them were on foot, all eight to nine officers were
17 on foot.

18 Q So did you see those two vehicles that first approached
19 you ever again?

20 A Yeah, once I was in handcuffs there was probably ten
21 vehicles out there, all Tacoma Police Department.

22 Q Ten vehicles?

23 A At least.

24 Q Near you?

25 A Yes.

1 Q Or in the park generally?

2 A On the street, right where the -- the street -- I don't
3 know what street it is, but the park bench maybe 50 feet
4 from the street, and the cops parked their vehicles on
5 the street.

6 Q Okay. And your testimony today is you didn't see any of
7 these officers after the two patrol cars came and left,
8 you didn't see any officers before somebody said "Put
9 your hands behind your back"?

10 A Correct. The park bench where the street is, there's
11 vehicles that go up and down all day and all night. I'm
12 not sitting there looking behind me at every vehicle I
13 hear drive behind me.

14 Q So you don't see any officers approach you from behind?

15 A Not until they said something.

16 Q And they all approached from behind?

17 A Correct.

18 Q On foot?

19 A On foot.

20 Q Eight or nine of them?

21 A Correct.

22 Q So they said "Put your hands behind your back," and what
23 happened after that?

24 A I heard it, but I did not stand up because I didn't know
25 they were talking to me. And then it got -- they said it

1 again even louder, and so this time I stood up and turned
2 around and had my cell phone, and they have their guns
3 drawn at me and I have no idea what's going on.

4 I tried to put my cell phone in my pocket and that's
5 when one of the officers ran up and put a gun in my face
6 and said, "If you put your hands in your pocket again, I
7 am going to blow your fucking head off," or "If you put
8 your fucking hands in your pocket again, I am going to
9 blow your head off."

10 Those were the exact words after they said "Put your
11 hands behind your back," 30 seconds prior to that. That
12 is how I was approached.

13 Q You said there was eight or nine officers behind you?

14 A Correct.

15 Q Did they at some point move in front of you?

16 A The park bench is right here, and they came in like a
17 formation, like circled me, so they -- these ones still
18 have their guns drawn and these guys circled me, and I
19 put my hands behind my back and they put me in handcuffs.

20 Q Which officer said -- approached you and put a gun in
21 your face?

22 A Bain. Those were his exact words from the start. He
23 exited his vehicle with his gun drawn, and the cops on
24 the sides did not have guns. Two of the cops in the
25 middle had their guns out already drawn on me.

1 Q You saw Officer Bain exit his vehicle?

2 A Yes. I did not know who he was at the time, but there
3 was only one white guy that was bald and later come to
4 find out his name was Officer Bain so, yes.

5 Q So when Officer Bain got out of his vehicle, where was
6 his vehicle parked?

7 A No clue. There was a lot of cop cars out there.

8 Q But you saw him get out of it, so where was it?

9 A I didn't see him get out of it, but he had his gun in his
10 hand when I turned around.

11 Q Okay. So you did not see him get out of his vehicle with
12 a gun in his hand?

13 A No.

14 Q The first time you see Officer Bain, though, you are
15 saying he has a gun in his hand?

16 A Correct. When I turned around.

17 Q You turned around to face the officers who came up behind
18 you?

19 A When they said it a second time, "Put your hands behind
20 your back," that's when I stood up and turned around.

21 Q And all eight or nine officers were -- at that point you
22 turned around in front of you?

23 A Turned around and faced east towards the street, and
24 that's where I saw all the cop cars.

25 Q Okay.

1 A And that's where they came from.

2 Q And then you said Officer Bain put his firearm in your
3 face?

4 A Yes, about a foot from it.

5 Q A foot from your face?

6 A Correct.

7 Q All right. And he said what?

8 A "If you put your fucking hands in your pocket again, I am
9 going to blow your head off." Those were the first words
10 they said to me.

11 Q They said?

12 A He said.

13 Q Okay. I'm making sure there wasn't --

14 A Yes, him.

15 Q Just one officer said it?

16 A Yes.

17 Q And you are saying that was Officer Bain?

18 A Correct.

19 Q Okay. You said two other officers had their firearms
20 drawn?

21 A One other one had their gun out, yes.

22 Q And where were they?

23 A Next to Bain when they were walking up. They were in the
24 middle, and the other cops were on the outside. None of
25 them had guns drawn. Bain and the guy next to him had

1 guns out.

2 Q So you are saying Officer Bain had his firearm pointed at
3 your face?

4 A Correct.

5 Q A foot away?

6 A Correct.

7 Q What was the other -- what was the position of the other
8 officer's firearm?

9 A I do not remember because all I could focus on was this
10 guy in front of me with a gun on me.

11 Q You saw another officer with a firearm in their hand,
12 correct?

13 A Correct. When they were walking up and I finally turned
14 around was when I saw him.

15 Q You saw the firearm in their hand, what position was the
16 firearm?

17 A At me. Pointed at me.

18 Q What part of you?

19 A Don't know. They were about 20 feet away walking towards
20 me, and it was just pointed at me.

21 Q So your testimony is that Officer Bain had his firearm
22 out and pointed at your face basically from the first
23 instance that you saw him?

24 MR. COCHRAN: Objection to form, but
25 go ahead if you can.

1 THE WITNESS: Pointed at me and
2 pointed towards my face when he got close enough.

3 Q (By Ms. Cox) And he said basically don't put your hands
4 in your pocket again?

5 A Correct.

6 Q At that point you weren't in handcuffs, correct?

7 A No, my hands were up in the air like this.

8 Q Where was your cell phone?

9 A In my hand still.

10 Q How are you listening to music before this all happened?

11 MR. COCHRAN: Objection to form, but
12 go ahead if you can.

13 THE WITNESS: I press play on Pandora
14 and it plays music.

15 Q (By Ms. Cox) Did it Bluetooth into your ear or were you
16 just listening on the speaker on your phone?

17 A Speaker on my phone.

18 Q Did you have anything in your ears that would have made
19 it difficult to hear the officers?

20 A No.

21 Q Do you have any hearing deficits?

22 A Yes.

23 Q Tell me about that.

24 A I am losing hearing in this ear.

25 Q Your left ear?

1 A **Correct.**

2 Q Okay. How long has that been going on?

3 A **I want to say seven years now, eight years.**

4 Q Have you had any healthcare providers treat you for that?

5 A **No.**

6 Q Have you had any healthcare providers examine your
7 hearing?

8 A **Yes.**

9 Q When was the last time you had any kind of hearing
10 examination?

11 A **McFarland Cascade. It was mandatory that we got our**
12 **hearing checked, and that's where they noticed that I**
13 **hear better in my right rear than my left year, and that**
14 **was yearly we did that.**

15 Q Has anyone said that you are losing your hearing in your
16 left hear, or that you have less hearing and it's been
17 static all along?

18 A **Left ear is losing hearing. So example when I work, I**
19 **always carry ear plugs with me because just dropping**
20 **stuff on the ground will make my ear ring.**

21 Q **Do you have any problems hearing people with your left**
22 **ear?**

23 A **Yes.**

24 Q How do you know that?

25 A **Because I have to say "what" every time somebody talks.**

1 Q Have you ever had a healthcare provider of your own check
2 out your hearing since you got the information or the
3 hearing checks at McFarland?

4 A No.

5 Q Is it your testimony that you were standing up when you
6 first saw Officer Bain?

7 A Correct.

8 Q Okay.

9 A Standing.

10 Q Okay. What happened after Officer Bain made those
11 comments to you and your hands were in the air? Tell me
12 what happened after that.

13 A The other officers approached me and put me in handcuffs.

14 Q The other officers?

15 A Correct.

16 Q Which officers?

17 A Don't know their names.

18 Q You got badge numbers and names afterwards, didn't you?

19 A Correct.

20 Q Did you get the names and badge number of whoever put you
21 in handcuffs?

22 A No, because it was a lot of cops.

23 Q How many officers applied the handcuffs?

24 A I have no idea. It happened so quick. Two to three.

25 Q Okay. My understanding is they had to use two sets of

1 handcuffs?

2 A Yes.

3 Q Okay. And do you understand why they did that?

4 A Nope.

5 Q Do you understand they were doing that to make you more
6 comfortable?

7 MR. COCHRAN: Objection to form,
8 answer if you can.

9 THE WITNESS: I have no idea why they
10 were doing it.

11 Q (By Ms. Cox) And were you injured when they applied
12 handcuffs?

13 A No, they just grabbed my arms, multiple cops on each arm,
14 two put the handcuffs on so I couldn't resist.

15 Q And then after the handcuffs were applied, what happened?

16 A They had me stand on the end of the table with my butt on
17 the top of the table and my feet on the ground, and they
18 all crowded around me and started talking at the same
19 time, talking over each other.

20 Q To you or to each other?

21 A To me.

22 Q All right. And when you say "crowded," how close were
23 they?

24 A Face to face. I couldn't move. Shoulder couldn't move
25 shoulders. They were that close. All around me, around

1 the end of the picnic table.

2 Q What were they saying to you?

3 A Don't know because they were all talking at once, all of
4 them.

5 Q Did you tell them that you couldn't hear them all at the
6 same time?

7 A Yes. There was a redheaded cop in front of me and I kept
8 asking him what's going on? What's going on? Another
9 cop talking in my face. Another cop talking in my face
10 and other cops behind them trying to talk also, so I
11 couldn't really pick up one conversation directly with
12 one officer because of how many were trying to talk to me
13 at the same time.

14 Q Did you hear anything that any one of them said during
15 this period of time where they were crowding in on you?

16 A No.

17 Q Okay. You described your position after being handcuffed
18 as standing, but you were in a -- leaning on the edge of
19 the picnic table, correct?

20 A Correct. My butt was on the top of the picnic table and
21 my feet were on the ground.

22 Q Okay. And your arms were handcuffed behind you?

23 A Behind my back, correct.

24 Q Did there appear to be one officer who was the primary
25 officer with this contact?

1 A Yes.

2 Q Who was that?

3 A He had red hair. And he was -- had a hat on and he was
4 directly in my face, probably five to six inches from my
5 face.

6 Q Did you guys ever have a conversation?

7 A Yes, we had a conversation, quite a few conversations.

8 Q What did you talk about with the red haired officer?

9 A Nothing prior to what happened to me, but after what
10 happened to me he started telling me that they got called
11 because I fit the description of a black man in the park
12 with a gun and a knife assaulting people. And this
13 probably took almost ten minutes for him to get to that
14 point because of all the other ones in my face trying to
15 talk to me.

16 Q They were trying to talk to you why?

17 MR. COCHRAN: Objection to form,
18 answer if you can.

19 THE WITNESS: No idea. This guy was
20 trying to talk to me. They were all talking and there
21 was one that was just really aggressive in my face.

22 Q (By Ms. Cox) Describe for me what was aggressive.

23 A Just his face was red. He was sweating. He was probably
24 three inches from my face the entire time when this red
25 headed cop was trying to talk to me. These guys weren't

1 in my face, but close to my body, shoulder to shoulder
2 type, but they weren't leaning in. This one was leaning
3 in, like directly into my ear trying to -- I don't know
4 what he was yelling or what he was trying to talk about,
5 but I was trying to focus on the guy that's standing in
6 front of me that was aggressive.

7 Q Anything else that he was doing that you would describe
8 as aggressive at that point?

9 A This guy was looking for a reaction from me to do
10 something. I don't know what he was trying to
11 accomplish, but he was just in my face. And I know he
12 was doing a lot of cussing, and that is why I wasn't
13 paying attention to him. And I said something along the
14 lines of, Get the fuck out of my face. You got little
15 man syndrome, and that's what set him off.

16 Q But he was already being aggressive is what you said?

17 A Correct.

18 Q And it set him off when you called him a little man?

19 A I said you have little man syndrome, get the fuck out of
20 my face is what sent him off.

21 Q You can hear out of your right ear, right?

22 A Correct. He was pretty much talking within, I want to
23 say, three or four inches from my ear. And I could just
24 see his face out of the corner of my eyes because he was
25 diagonally right here.

1 Q What was he saying?

2 A He was really loud, really, really loud. Just loud.

3 Q But what was he saying?

4 A I don't know what he was saying because these ones were
5 talking to.

6 Q So is it your testimony today that there's an officer
7 really loud in your right ear?

8 A Correct.

9 Q And there is the red haired officer right directly in
10 front of you?

11 A Correct.

12 Q And then there's some other officers close by?

13 A Yes.

14 Q And they are all talking to you?

15 A Correct.

16 Q And you didn't hear anything they said?

17 MR. COCHRAN: Objection to form, but
18 go ahead if you can.

19 THE WITNESS: They were all talking
20 over each other. I couldn't pick up directly and focus
21 on one of them because it was so many, and I was having a
22 panic attack. I had never been in that situation. I
23 didn't know who to focus on to talk to.

24 Q (By Ms. Cox) Okay. You believe you were having a panic
25 attack?

1 A Yes.

2 Q Did you tell the officers that?

3 A I couldn't tell them that because they were all talking.
4 I couldn't say anything. And then the red head kept
5 telling this guy seven or eight times, "Bain, you can't
6 argue with an idiot. Bain, you can't argue with an
7 idiot," every time the red head would try to talk to me,
8 and then this guy is in my face. I don't know what he's
9 trying to say, but I'm saying something back to him. And
10 this guy just keeps saying, "Bain, you can't argue with
11 an idiot." He keeps saying it over and over, and that is
12 what the aggressive part is.

13 I don't remember what he was trying to argue with me
14 about because this guy was trying to talk to me. These
15 other ones were saying something. I don't remember
16 exactly, it was just so many people talking at once.

17 Q Are you saying the guy that was talking closely in your
18 right ear is Officer Bain?

19 A Correct. Same one I saw that had the gun pointed at me
20 and he was the first one that ran up and approached me.

21 Q Did Officer Bain ever touch you?

22 A What part?

23 Q You tell me. I'm asking you a general question
24 initially.

25 A Yeah, he did.

1 Q Okay. So when -- where did he touch you?

2 A When he was right here, his shoulder or his chest was
3 like pressed up against my shoulder, and his face was
4 right here, and he was just -- he was trying to like
5 muscle up on me type of thing, like when two guys are
6 getting in a fight they always bump chests or whatever,
7 you know, like in the UFC they do. That's what he was
8 doing was he was just pressed up against me with his
9 chest the whole time, just in my face is when he first
10 touched me.

11 Q Did he touch you any other occasion?

12 A Yes.

13 Q Tell me about that.

14 A When I called him the little man is when he went around
15 the picnic table and pulled me down and tried to grab me
16 and that is the second time he touched me.

17 Q What do you mean he went around the picnic table?

18 A When I called him little man he got off from pressed up
19 against me and walked around the picnic table and grabbed
20 the middle of my handcuffs and yanked me down backwards.

21 Q Where was he when he yanked you backwards?

22 A He was -- so this is a picnic table, okay. I am right
23 here standing.

24 Q On the end.

25 A He goes around from west to north and he's about right

1 here and I am right here, and he reached across to get
2 the back of my handcuffs and pull me down.

3 Q So he walked around the other end of the picnic
4 table before --

5 A Yes.

6 Q Let me finish -- before he grabbed you and pulled you
7 backwards?

8 A Correct.

9 Q Okay. And you are sitting on the short end of the picnic
10 table. He walked all the way the long end to the other
11 short end and pulled you from there?

12 MR. COCHRAN: Objection to form, but
13 go ahead if you can.

14 THE WITNESS: Say that again.

15 Q (By Ms. Cox) You said you were sitting your butt on the
16 edge of the picnic table, it would be the shorter end of
17 the picnic table, correct?

18 A Yes. Because you know picnic tables are long, so if it's
19 sitting like this, okay, I am right here and he -- Bain
20 was right here on my right shoulder and he walked this
21 way, and this is where he stopped. And I know where he
22 was standing because when I hit the picnic table I looked
23 over and I saw where he was standing right here. He
24 wasn't up here. He wasn't in the middle. He was almost
25 diagonally across from me, which means he had to reach,

1 bend over to reach to access my handcuffs from that
2 position.

3 Q And where -- what did he grab you with?

4 A His hands.

5 Q Which hand?

6 A His right hand.

7 Q How do you know that?

8 A Because I saw his body turn like this. His body was
9 still turned from where you pull, so he was -- the way --
10 right when I hit, that's when I saw him standing sideways
11 and his arm coming back to his body.

12 Q So you believe it was the right hand because you looked
13 backwards, or you could see when you went backwards that
14 his body was twisted in a manner that showed you he was
15 pulling with his right?

16 A Yes.

17 Q Okay. And what part of his -- what part of you was his
18 hand on?

19 A His left hand came over on me around my shirt collar
20 area, collar area, and that is how I knew he used his
21 right hand because he had -- he turned in a turning
22 motion after pulling to have his left hand on me.

23 Q When was the left hand on you?

24 A After I hit the picnic table backwards.

25 Q Okay. So my question was: What part of you did his right

1 hand touch when he was pulling you backwards?

2 A The middle of the handcuffs.

3 Q So the chain?

4 A The chain, yeah.

5 Q Okay. So your testimony is not that he took you by the
6 arm and sat you down?

7 A No.

8 Q Okay. Your testimony is he, with his right hand, grabbed
9 the middle of the handcuff, which I will represent to you
10 are the chains, and pulled you backwards?

11 A Correct.

12 Q And then when did his left arm or hand touch you?

13 A When I was still hit and I couldn't get up is when his
14 left hand came on me. The second I hit, his left hand
15 was on me like that, and I'm in handcuffs like that.

16 Q Is he still --

17 THE VIDEOGRAPHER: Counsel, sorry to
18 interrupt. Can you just --

19 THE WITNESS: Oh, my bad. Sorry.

20 THE VIDEOGRAPHER: It just got twisted
21 there.

22 THE WITNESS: Is that better?

23 THE VIDEOGRAPHER: Yes.

24 THE WITNESS: Sorry about that.

25 THE VIDEOGRAPHER: No worries.

1 Q (By Ms. Cox) When his left hand and arm came around to
2 your upper chest, where was he?

3 A Standing right next to my head.

4 Q Okay. Still on the other side of the picnic table?

5 A Correct. He was -- he pulled -- like I said, I'm here.

6 He's here. Pulled me down and still standing here, and

7 I'm laying backwards with my head and back on the picnic

8 table, and that's when his left hand comes over on top of

9 me, so I didn't get up. I was still laying flat.

10 Q So I'm finding this really helpful. Could you hold

11 Exhibit 1 up again and point where you were so the camera

12 can see as you are explaining?

13 A So I was standing here. My feet on the ground. My butt

14 on the table right here. He comes from over here where I

15 was standing and comes pretty much directly from where

16 I'm sitting, and that is where he grabbed the middle of

17 the handcuffs and pulled me down backwards towards him.

18 Q And then he's still standing where when --

19 A So.

20 Q Let me finish -- when his left arm comes around to your
21 chest?

22 A He's still standing here. I'm laying flat. He's still

23 standing here, and his left hand comes around my collar

24 area of my T-shirt I was wearing at the time.

25 Q And then -- and then what happens after he puts his hand

1 or arm on your chest?

2 A I would say three of the other officers pulled him away
3 from me. And then the red head came to the side, and I
4 want to say a Mexican looking officer grabbed each side
5 of me and stood me back up. And they had to grab Bain
6 about -- and take him about ten feet away from me.

7 Q So two officers helped you up. One was the red headed
8 officer one was a Hispanic appearing officer?

9 A Correct.

10 Q Do you know their names?

11 A No.

12 Q And can you describe the officers who led Officer Bain
13 away?

14 A White guys just pulled him back away from me, and the
15 other one stood me up. And that is when I got the clear
16 reason why these officers put me in handcuffs is the red
17 head officer that was in my face said, "You fit the
18 description of a black man in the park with a gun and a
19 knife assaulting people."

20 Q You are saying that's the first time you understood why
21 you were being contacted?

22 A Correct. And that was about ten minutes into when they
23 first told me to put my hands behind my back.

24 Q How do you know it was ten minutes?

25 A Because it felt like a million years, but my guess is it

1 was ten minutes. It was not five minutes. It wasn't a
2 few minutes. It was ten minimum.

3 Q Other than what you have already described, did that
4 officer, who you believe to be Officer Bain, touch you on
5 any other occasion?

6 A Prior to this incident?

7 Q No. No, this incident. You described two touches
8 basically, right? Him -- well, three actually. Him on
9 your right shoulder in your ear, correct?

10 A Correct.

11 Q His body is touching your shoulder?

12 A Correct.

13 Q The second is you said with his right hand he pulled you
14 back by the handcuffs?

15 A Correct.

16 Q And the third being his left arm came around and hand
17 came around your chest while you were still prone on the
18 picnic table, correct?

19 A Correct.

20 Q Did Officer Bain touch you on any other occasion during
21 this incident?

22 A Yes.

23 Q Tell me about that.

24 A After they released me from handcuffs, and I'm still
25 standing basically in the same spot where they had me

1 standing the entire time, and they realized I'm not the
2 suspect and they all walked away. And Bain came back and
3 got his two fingers and put them in my forehead and said,
4 Mother fucker we are going to have to -- I'm going to see
5 you again and we are going to have a talk, and I had to
6 get his hand out of my face, so it was literally like
7 that on my forehead.

8 Q Describe it for the record. You said he put his first
9 and second fingers -- let me finish -- directly above
10 your nose between your eyebrows when he made those
11 comments?

12 A Correct.

13 Q And he actually touched you?

14 A Yes.

15 Q And where were you when this happened?

16 A Still standing in the same exact spot where I stood
17 handcuffed.

18 Q At the time he touched you on the forehead you were not
19 handcuffed?

20 A No.

21 Q And who else was there when this happened?

22 A The two people that intervened.

23 Q You mean the two citizens?

24 A Yes.

25 Q I will represent to you I believe their names are Chrissy

1 Wood and Seth Smith, does that ring a bell?

2 **A Yes.**

3 **Q You think they saw this.**

4 **A Yes.**

5 **Q How do you know they saw this?**

6 **A Because they were standing about two feet from me, three**

7 **feet from me.**

8 **Q Did they tell you they saw it?**

9 **A No.**

10 **Q Your testimony today is they were two or three feet from**
11 **you when Officer Bain came up and poked you in the head**
12 **with two fingers?**

13 **A Yes.**

14 **MR. COCHRAN: Objection to the form of**
15 **the question.**

16 **Q (By Ms. Cox) So did Officer Bain touch you on any other**
17 **occasion during this incident?**

18 **A No.**

19 **Q Did any other officers touch you during this incident?**

20 **A Just the ones that placed me in handcuffs and the ones**
21 **that pulled me back up off the picnic table.**

22 **Q How about the officers who took your handcuffs off?**

23 **A Yes. I would say they touched me to get the handcuffs**
24 **off.**

25 **Q And you are -- you are not objecting to those other**

1 touches with the cuffs going on and the cuffs coming off
2 and the officers who leaned you back up?

3 MR. COCHRAN: Objection to form, but
4 go ahead if you can.

5 **THE WITNESS: Say that again. Sorry.**

6 Q (By Ms. Cox) Are you -- are you -- do you think the
7 officers who put the cuffs on did anything wrong?

8 MR. COCHRAN: Objection to form, but
9 go ahead if you can.

10 **THE WITNESS: No. They just grabbed**
11 **my arms really tight. That was about it to get the**
12 **handcuffs on.**

13 Q (By Ms. Cox) Did the officers who leaned you back up off
14 the picnic table, did they do anything wrong?

15 MR. COCHRAN: Objection to form, but
16 go ahead if you can.

17 **THE WITNESS: Pulled me back up. They**
18 **didn't help me back up, pulled me back up.**

19 Q (By Ms. Cox) Okay. Did they do anything wrong?

20 MR. COCHRAN: Objection to form. Go
21 ahead.

22 **THE WITNESS: The officer that was**
23 **calling me an idiot is the one that helped me up.**

24 Q (By Ms. Cox) Okay. Did those two officers do anything
25 wrong, in your opinion?

1 MR. COCHRAN: Objection to form, but
2 go ahead.

3 THE WITNESS: Yes.

4 Q (By Ms. Cox) What?

5 A When I asked for their names and badge numbers because
6 after Bain put his fingers in my face the officers had to
7 come back, and the red headed one looked like he was in
8 charge of all these guys. And he was the one that helped
9 push Bain away from me again. And he said that comment
10 again, "Bain, I told you you can't argue with an idiot."
11 And that's when I said I need your sergeant here, your
12 badge numbers, and your names.

13 So he radios for his sergeant. And as he's pulling
14 out his little note pad and pen he said, "What you do
15 need our names and badge numbers for? Are you going to
16 file a lawsuit?"

17 And he started laughing and two of the other
18 officers that pulled Bain away that were still standing
19 there were laughing at me. I don't know why that
20 comment, he needed to make that comment when I asked for
21 his name and badge number, but they thought it was funny.

22 And, personally, that doesn't sound professional for
23 a public worker, city worker.

24 Q Mr. Contreraz, I'm directing your attention back to the
25 two officers who helped you back up after you were laying

1 out on the picnic table, in your opinion, did they do
2 anything wrong by helping you back up?

3 MR. COCHRAN: Objection to form. Go
4 ahead if you can.

5 THE WITNESS: Yes. They could have
6 helped me back up instead of just pulling me.

7 Q (By Ms. Cox) Did they hurt you?

8 A No, they just did it aggressively. It wasn't here, let
9 me help you back up. It was just grab me and pulled me
10 back up basically.

11 Q Is there anything else aggressive about how they helped
12 you?

13 MR. COCHRAN: Objection to form, but
14 go ahead if you can.

15 THE WITNESS: Besides the fact they
16 aggressively pulled me up. It wasn't so much as a here,
17 let me lend a hand to help you back up, it was just
18 pulling back up type of thing.

19 Q (By Ms. Cox) What else was aggressive about it, if
20 anything?

21 A Just the manner of how they did it.

22 Q I'm trying to get that from you. What manner?

23 A Example, if somebody slips on ice, here let me help you
24 back up. It wasn't -- it wasn't (sic) here let me grab
25 you and pull you back up, it was -- that is how it was.

1 It wasn't gently pull me back up. It was just grab my
2 arms and yank me back up basically, back to my feet.

3 Q And that's what you think they did wrong?

4 MR. COCHRAN: Objection to form, but
5 go ahead.

6 THE WITNESS: It was very aggressive.

7 Q (By Ms. Cox) Do you believe that was wrong?

8 A Yes.

9 Q Do you have any other reason you haven't already talked
10 about to support your belief that what they did in
11 helping you up was wrong?

12 MR. COCHRAN: Objection to form.

13 THE WITNESS: Say that again.

14 Q (By Ms. Cox) Is there anything else you believe they did
15 wrong when they lifted you back up?

16 MR. COCHRAN: Objection to form. Go
17 ahead.

18 THE WITNESS: No, not -- just
19 basically what I said.

20 Q (By Ms. Cox) Okay. The officers that took the handcuffs
21 off, did they do anything you believe is wrong?

22 A I don't remember --

23 MR. COCHRAN: Objection to form.

24 THE WITNESS: -- who they were.

25 Q (By Ms. Cox) When the handcuffs came off, were you

1 injured?

2 **A No.**

3 Q Did anything happen in the process of taking the cuffs
4 off that you think was done wrong?

5 MR. COCHRAN: Objection to form. Go
6 ahead.

7 **THE WITNESS: It was a lot nicer the**
8 **way they took them off than put them on. I will say**
9 **that.**

10 Q (By Ms. Cox) Do you think they were less urgent by the
11 time they took them off --

12 **A Correct.**

13 Q -- than when they put them on?

14 **A Yes. They were more relaxed I could say. Gentle.**

15 Q Did anyone else, any other officer touch you during this
16 encounter that we haven't already touched on?

17 **A No.**

18 Q You said your position was at the edge of the picnic
19 table. Your bottom or your butt was on the edge of the
20 picnic table itself, correct?

21 **A Correct.**

22 Q Your feet were on the ground?

23 **A Correct.**

24 Q At some point, did you stand up off the table while you
25 were still in handcuffs?

1 A No.

2 Q Okay. So if Officer Bain said he saw you stand up and
3 take a step in the direction of another officer, you
4 would say that's not true?

5 A Not true at all.

6 Q You never stood up?

7 A So I will go back to what I said earlier. They were
8 literally shoulder to shoulder with me. I couldn't move.
9 The red head officer, his legs were pretty much leg to
10 leg with mine so where I couldn't stand up. So his legs
11 were touching my legs. I basically -- I couldn't even
12 turn if I wanted to.

13 And where he was standing, he was in front of me.

14 His legs were pressed up against my legs.

15 Q The red headed officer's legs?

16 A Yes. So he was standing like -- my legs are sitting.
17 He's standing, and he was like this, and he was leaning
18 in to talk to me.

19 Q So his legs were touching your legs?

20 A Correct.

21 Q The whole time he was talking to you?

22 A The whole time they were -- surrounded me. Crowded me.
23 Around me. Bain was leaning in right here. This other
24 officer was right here. A Mexican officer I want to say
25 and a couple other white officers, so basically they were

1 all within inches from me to touching me.

2 Q How much of the redheaded officer's legs were touching
3 your legs?

4 A Now I want to say how I'm sitting, I'm not completely
5 standing up and I'm not completely -- or I'm sitting, but
6 I would say his -- his half of -- I don't know how to
7 explain it.

8 So I was on the picnic table and sitting like that
9 and his legs were up against me and he was leaning in, so
10 I would say his legs covered whatever legs I had on the
11 ground.

12 Q Were his knees touching you?

13 A Yes.

14 Q Were his thighs touching you?

15 A His thighs were right above my knees.

16 Q But not touching you?

17 A Not touching me.

18 Q Were his calves or shin bones touching you?

19 A Yes. He was standing in a position where I could not get
20 up because his legs would have prevented me from getting
21 up and that's why he was standing like that in front of
22 me is my guess.

23 Q Was he still in that position when Officer Bain pulled
24 you backwards?

25 A Yes.

1 Q And did you strike Officer Cheney when that happened?

2 A Most likely.

3 Q Do you remember doing that?

4 A My legs came up and I probably -- they probably hit him.

5 Q Do you know that they hit him?

6 A It happened so quick. I'm guessing that the way he was
7 standing in front of me I accidentally hit him with just
8 my -- the way my body went up, or went backwards.

9 Q You said your legs went up, are you saying both legs?

10 A Yes.

11 Q How far up did they go?

12 A His body stopped it because they went up and hit him as I
13 hit the picnic table.

14 Q So how far did your legs go up?

15 A As far as the knees will let the bottom of your leg
16 extend.

17 Q So how many feet off the ground?

18 A Completely parallel with the table. With the top of the
19 table.

20 Q Okay. So your legs came up far enough to be parallel or
21 even with the top of the picnic table?

22 A Yes.

23 Q Okay.

24 A Probably above the picnic table they went up.

25 Q You indicated in one of your interrogatory answers, and

1 we will talk more about it in a bit, that the officers
2 had physically seated me on top of a metal picnic table
3 with my feet still on the ground.

4 Do you still agree with that statement?

5 **A I don't know what that means. The what?**

6 **Q** It says the officers then physically seated me on top of
7 a metal picnic table with my feet still on the ground.
8 And we will visit this in detail in a few, but I'm
9 wondering that phrase, "physically seated me," is that a
10 phrase that you use?

11 **A Absolutely, yes.**

12 **Q** Okay. What do you mean by it in this context?

13 **A They picked me back up and sat me back down.**

14 **Q** After you were --

15 **A** After Bain pulled me on the picnic table and I was laying
16 there and I couldn't -- I couldn't, out of my own free
17 will, get back to the position of standing and sitting on
18 the picnic table so they had to pick me up and physically
19 put me back in the same spot.

20 **Q** When you were first -- when you first sat against the
21 picnic table, how did you get there?

22 **A They put me there.**

23 **Q** Okay. So the officers put you there?

24 **A They put me in handcuffs and grabbed me by each arm and**
25 **led me to the very front of the picnic table and that's**

1 where they sat me.

2 Q Okay. How far away from the table were you when you were
3 handcuffed?

4 A I was right next to the table. A foot away from the
5 table because I was sitting on the picnic table, my butt
6 was on the top and my feet were where you sit down on
7 that part, and that is how I was sitting. And I had my
8 phone in my hand like that, so when they said put your
9 hands behind your back -- or stand up and put your hands
10 behind your back, I had to get off the picnic table and
11 stand on the ground to put my hands up.

12 Q Where did your phone go?

13 A I tried to put it in my pocket. That didn't work out for
14 me. They wanted -- one of the officers grabbed it and
15 put it on the table.

16 Q Okay. Tell me what Officer Bain said to you when he
17 poked your forehead with this two fingers?

18 MR. COCHRAN: Objection to form. Go
19 ahead.

20 THE WITNESS: He said, "Mother fucker,
21 I'm going to see you again and we are going to have a
22 talk." Those were the exact words.

23 Q (By Ms. Cox) Did he say anything else at that point?

24 A Yes. I said, "I will be back here tomorrow night at the
25 same exact time," and he said "Well, I will see you

1 **then."**

2 Q And did you on July 13th see each other?

3 A **He never showed up.**

4 Q Oh, did you go there?

5 A **I go there every night.**

6 Q And, again, who was there when Officer Bain said this to
7 you?

8 A **The two citizens.**

9 Q Anybody else?

10 A **The cops that had to come back and get him out of my
11 face.**

12 Q How many officers was that again?

13 A **Two to three officers.**

14 Q Can you describe them for me, please?

15 A **All of the white guys. I think it was one of the Mexican
16 guys too. I don't know. I just know it was two to three
17 officers had to come and get him out of my face. Like
18 they physically had to grab him by his vest. I saw one
19 of them grab him by his vest, and the another one gabbed
20 him by the arms to lead him away.**

21 Q Are you saying these other officers heard him say these
22 words to you?

23 A **No.**

24 MR. COCHRAN: Objection to form. Go
25 ahead.

1 THE WITNESS: No, because they already
2 walked away. They were going back to their patrol cars,
3 and he by himself came back and did that.

4 Q (By Ms. Cox) So the only people who heard him say that
5 you are saying are the two citizens?

6 MR. COCHRAN: Objection to form. Go
7 ahead.

8 THE WITNESS: Yes, because the two
9 citizens said we will be back here tomorrow night too at
10 the same time.

11 Q (By Ms. Cox) So I asked you who else might have heard
12 this and you had mentioned these other officers, but I
13 want to clarify. These other officers didn't hear Bain
14 make these comment to you, did they?

15 MR. COCHRAN: Objection to form, but
16 go ahead if you can.

17 THE WITNESS: I would say not because
18 they were probably 20 feet away when they had to come
19 back and grab Officer Bain.

20 Q (By Ms. Cox) So you said there were two or three
21 officers, they were all white except maybe one was
22 Mexican?

23 A Yes, I remember that.

24 Q How tall were they?

25 A I couldn't give you an honest answer because I was seated

1 so I couldn't see if they were my height, taller than me,
2 or shorter than me. I was seated so I know Bain was
3 shorter than me because when he came back to put his
4 fingers in my face he was about this tall to me, but when
5 I was seated it was a perfect height for him to be in my
6 face.

7 Q I'm talking about the officers who came back, you said --

8 A Oh, how tall are they?

9 Q Hold on. They came back to retrieve or move Bain away
10 from you. And you said they were white guys except one
11 maybe Mexican guy, and I asked you how tall they were. I
12 don't care about Bain at this point.

13 MR. COCHRAN: Objection to form, but
14 you can answer if you can.

15 THE WITNESS: I don't know, maybe my
16 height.

17 Q (By Ms. Cox) All of them?

18 A Maybe, yes. I don't know exactly. I wasn't checking
19 their heights out.

20 Q And how about their ages?

21 A Oh, I'm guessing 30s or 40s maybe, 30s.

22 Q All of them?

23 A None looked older than 40.

24 Q How about younger than 30?

25 A Maybe one or two looked younger.

1 Q What color hair did these officers have?

2 A No idea. I just saw the redheaded guy's hair because he
3 had a short hat on and I could see his side burns and the
4 back of his hair was red.

5 Q Was the red headed officer one of the officers who came
6 back to get Cheney after he poked your forehead?

7 A Get Cheney? That was Bain that poked my forehead.

8 Q Sorry. Was the red headed guy one of the officers
9 who came back to get Cheney after -- to get Bain -- I
10 apologize -- to get Officer Bain after he poked you in
11 the forehead?

12 A Yep.

13 Q Okay. So of the two to three officers who returned, one
14 of them was the red headed officer?

15 A Yeah. What is his name? Red headed officer just sounds
16 rude saying red head.

17 Q Well, I'm not sure so I'm not at a position to answer
18 that?

19 A Or for me it's my -- it sounds rude just calling him a
20 red head, whatever his name was.

21 Q When you were pulled backward by Officer Bain, what part
22 of your body touched the table?

23 A My back and the back of my head.

24 Q Which part of your back?

25 A My entire back was on the table.

MR. COCHRAN: We are at 12:16, so when you find a breaking spot can we go ahead and take our break?

MS. COX: Give me just a couple more questions and then we will break.

MR. COCHRAN: Okay.

Q (By Ms. Cox) What part of your head?

A The back of my head touched the metal picnic table.

Q And, again, you were handcuffed when this happened, right?

A Correct.

Q And you were handcuffed behind your back?

A Yes.

Q Okay. Did your body, any part of your body hit anything else other than the picnic table top?

A My legs just hit the officer, the red head Officer Cheney.

MS. COX: Okay. We can take a break now.

THE VIDEOGRAPHER: Going off record.
Time now is 12:17 p.m.

(Recess 12:17 p.m. to
12:56 p.m.)

THE VIDEOGRAPHER: Back on record.

1 Time now is 12:56 p.m.

2 Q (By Ms. Cox) So before the lunch break, Mr. Contreraz,
3 we were just kind of doing an overview on what happened
4 and I wanted to backtrack and ask you about your comment
5 about the next day.

6 I believe you said that you told Officer

7 Contreraz -- sorry, Officer Bain that you would meet him
8 back in the park the next day on July 13th, 2020. Did I
9 hear you right?

10 A I never said I would meet him. I said I would be back
11 here. I come here every night.

12 Q And why did you say that to Officer Bain?

13 MR. COCHRAN: Objection to form, but
14 go ahead if you can.

15 THE WITNESS: Because he basically
16 asked me the question of, I am going to see you again and
17 we are going to talk.

18 Q (By Ms. Cox) And your response was, I will be here
19 tomorrow basically if you want to meet up, if you want to
20 see me?

21 MR. COCHRAN: Objection to form, but
22 go ahead.

23 THE WITNESS: Yes.

24 Q (By Ms. Cox) So you told Officer Bain where you were
25 going to be the next day and what time?

1 A I told him I come to this park every night.

2 Q Okay. And you went back to the park on July 13th?

3 A We went back to the park.

4 Q Who is we?

5 A Me and the other people that said they would be back.

6 Q And who is that?

7 A The two citizens.

8 Q You mean Ms. Wade and Mr. Smith?

9 A Yeah.

10 Q So you met up at the park on July 13th?

11 A We went back to the park.

12 Q And you did this by agreement with them?

13 A No, I just went back because I go there every night after
14 work.

15 Q And you saw them?

16 A I think they were there.

17 Q You said "we went back to the park," on July 13th, 2020
18 and now you are saying you think they were there, which
19 is --

20 A They were there.

21 Q They were there?

22 A They showed up.

23 Q And did you talk to them?

24 A Yeah. We sat and talked about stuff. They asked me
25 about how to sell cars.

1 Q So did you meet up on July 13th, 2020 in Wright Park with
2 Mr. Smith and Ms. Wade by agreement?

3 MR. COCHRAN: Sorry. Objection to
4 form. Go ahead if you can.

5 THE WITNESS: No. There wasn't any
6 agreement ever made.

7 Q (By Ms. Cox) So you just happened to all three show up
8 the next day?

9 A It was --

10 MR. COCHRAN: Objection to form. Go
11 ahead.

12 THE WITNESS: It was when I said I'm
13 coming back they said they are coming back. I never
14 asked them to come back. I never meant -- we didn't
15 exchange numbers about hey, let's meet up at the park,
16 they just came back also. I never asked them or told
17 them to.

18 Q (By Ms. Cox) All right. But you showed up the next day
19 and there they were?

20 A Yes.

21 Q And how long did you spend together on July 13th?

22 A I do not recall.

23 Q Was it an hour?

24 A An hour, I guess, yes, until the sun went down maybe.

25 Q When did you get there?

1 A Same time I got there the night before, around 7:30. I
2 got off work at 7:00.

3 Q Did Officer Bain show up on July 13th, 2020?

4 A No. No police showed up.

5 Q Did any of the other officers say anything you consider,
6 to you on the 12th, say anything to you that you consider
7 unprofessional?

8 A Yes.

9 Q What? What was said?

10 A Officer Cheney repeatedly calling me an idiot over and
11 over. Very unprofessional.

12 Q Any other unprofessional comments?

13 A Yeah. One of the officers said, "Well, look on the" --
14 after they got me out of the handcuffs, one of the
15 officers, I don't recall which one exactly or what he
16 looked like, I just remember his comment about "Well,
17 look on the bright side of the situation, you fit the
18 description of a big buff black guy. It looks like you
19 lift weights. You ought to be happy about that," and
20 then kind of chuckled and walked off. That was not
21 professional. There was nothing funny about that
22 conversation about that situation.

23 Q Who made that comment?

24 A Do not know. One of the white officers. All I know is
25 he was white.

1 Q You can't describe him better than his race?

2 MR. COCHRAN: Objection to form.

3 Answer if you can.

4 THE WITNESS: Brown hair, shorter than
5 me. I remember him saying that because he stood next to
6 me.

7 Q (By Ms. Cox) Well, how old was he?

8 MR. COCHRAN: Objection to form. Go
9 ahead if you can.

10 THE WITNESS: Probably 30s. In his
11 30s, if I had to guess.

12 Q (By Ms. Cox) So how do you know it was Officer Cheney
13 who called you an idiot more than once?

14 A Because I heard you say when I kept saying the redhead,
15 you kept referring to him as Officer Cheney so I just
16 picked up on calling him Officer Cheney.

17 Q Let's be clear. I might have been mistaken, so I would
18 not ask that you under oath count on anything I might
19 have misstated.

20 You are saying the officer with red hair repeatedly
21 called you an idiot?

22 A Correct.

23 Q Do you know for a fact that the officer with red hair is
24 Officer Cheney?

25 MR. COCHRAN: Objection to form.

1 Asked and answered. Go ahead if you can.

2 **THE WITNESS: Yes, I picked up on you**
3 **calling him Officer Cheney, so I just figured his name**
4 **was Officer Cheney.**

5 Q (By Ms. Cox) Independent of my comments during your
6 deposition, do you have any information that the red hair
7 officer is Officer Cheney?

8 A **Nope. Never met the guy. Never heard of the guy before**
9 **until that day.**

10 Q Did you say anything to any of the officers that was
11 aggressive or antagonistic?

12 MR. COCHRAN: Objection to form. Go
13 ahead.

14 **THE WITNESS: I repeatedly asked why**
15 **I'm in handcuffs and why this guy yanked me down on the**
16 **table, and why this guy was in my face. Basically --**
17 **that was basically it.**

18 Q (By Ms. Cox) How would you describe your demeanor upon
19 initial contact by the officers?

20 A **Surprised. Very surprised.**

21 Q Did your demeanor change after that?

22 A **Yes.**

23 Q How would you describe your demeanor after surprised?

24 A **Confused.**

25 Q Okay. And did you have any other demeanor other than

surprised and confused?

A No, not really. Just more confused as to why I was in handcuffs.

Q Did any officer ask you at any point whether you were okay?

A No, not a single one.

Q No one did?

A None.

(Exhibit Nos. 2 through 4
marked for identification.)

Q So I am going to have you review exhibits I have marked for your deposition. Exhibit 2, I will represent to you, is your responses to the City of Tacoma's first interrogatories and request for production.

Exhibit 3 will be your responses -- your supplemental responses to the City's first interrogatories and request for production.

And Exhibit 4 will be your responses to the City of Tacoma's second interrogatories and request for production.

So this is how we are going to do it. I am going to hand these exhibits to your attorney. He's going to take a look at them to the degree he wishes, and then I will hand them to you. We will be off the record, not

1 talking, until you are done looking at them. Once you
2 are done looking at them look up and let us know that you
3 are ready for me to ask you some questions about them.

4 Any questions about the instructions?

5 **A I don't even know what interrogatory means.**

6 **Q** Written discovery.

7 **A Oh.**

8 **Q** Where you answered questions.

9 **A Yes. Sure.**

10 **Q** Any other questions?

11 **A No.**

12 MS. COX: Okay. We will be off the
13 record.

14 THE VIDEOGRAPHER: Going off record.
15 The time now is 1:04 p.m.

16 (Recess from 1:04 p.m.
17 to 1:34 p.m.)
18

19 THE VIDEOGRAPHER: Back on record.
20 Time now is 1:34 p.m.

21 **Q** (By Ms. Cox) Mr. Contreras, we were on a break off the
22 record while you were reviewing discovery responses, the
23 three exhibits. Did you have sufficient time to read
24 them?

25 **A Yes.**

1 Q Okay. And I want to ask a couple of questions regarding
2 Exhibit 2. Do you have that in front of you?

3 A Yes.

4 Q Okay. It's actually titled, "Defendant City of Tacoma's
5 first interrogatories and requests for production of
6 Plaintiff with answers and responses thereto"; is that
7 correct?

8 A Yes.

9 Q Okay. It looks like it was signed by your attorney on
10 September 6th, 2022. I will direct you to the second to
11 last page.

12 A All right.

13 Q Do you see your attorney Mr. Cochran's digital signature?

14 A Yes.

15 Q And the date is September 6th, 2022?

16 A Yes.

17 Q It looks like you did not sign these interrogatories; is
18 that correct?

19 A Correct.

20 Q Okay. You reviewed them today. Are your responses as
21 contained in Exhibit 2 accurate?

22 A Yes.

23 Q Is there anything that you would change today?

24 A (Witness shakes head.)

25 MR. COCHRAN: Objection to form, but

1 go ahead if you can.

2 **THE WITNESS: No.**

3 Q (By Ms. Cox) So basically the same questions for Exhibit
4 3, which is titled, "Defendant City of Tacoma's first
5 interrogatories and request for production to Plaintiff,
6 with supplemental answers and responses thereto."

7 Do you have that Exhibit 3 in front of you, Mr.
8 Contreraz?

9 **A Yes.**

10 Q Same as last time, I will direct your attention to the
11 second to last page, where it appears your attorney Mr.
12 Cochran has signed or placed a digital signature and date
13 of November 30th, 2022, do you see that?

14 **A Yes.**

15 Q Okay. I don't see anywhere on that page or the next page
16 that you have signed these responses; is that correct?

17 **A Yes.**

18 Q So you have not signed these?

19 **A I have no idea.**

20 Q Okay. You don't see your signature anywhere?

21 **A No.**

22 Q All right. So you have reviewed Exhibit 3, your
23 responses as contained in Exhibit 3, are they accurate?

24 **A Yes.**

25 Q Okay. So same thing for Exhibit 4, which, for the

1 record, are Defendant City of Tacoma's second
2 interrogatories and request for production to Plaintiff
3 and responses thereto"; is that correct?

4 **A Yes.**

5 Q All right. And I see that you signed these -- if you
6 go -- I apologize they are not page numbered, but if you
7 go back about eight or nine pages. Actually, Page 6 of
8 7, and the page number is in the lower left corner. It
9 took me a minute to find it.

10 **A Okay. Six or seven?**

11 Q Six out of seven.

12 **A Oh, yeah I see it.**

13 Q Does it look like you signed these responses on April 13,
14 2023?

15 **A Yep. Yes.**

16 Q And that is your signature there?

17 **A Yes, it is.**

18 Q Okay. You reviewed your responses to these
19 interrogatories, which is Exhibit 4, are there any -- are
20 your responses accurate?

21 **A Yes.**

22 Q Okay. So I will be attaching Exhibits 2, 3, and 4, now
23 that you have affirmed they are accurate, to your
24 deposition. If we could fold those up, and also the
25 complaint and put them in one place so we don't lose

1 them. They go with the court reporter.

2 **A What do you need these in?**

3 Q Here's what I would recommend. Put them in a stack
4 together and keep them near where you can reach them in
5 case we have a question that refers to them, all right?

6 **A All right. What about this?**

7 Q That goes there. Thank you very much.

8 All right. So now I want to ask you about your
9 complaint, Mr. Contreraz.

10 (Exhibit No. 5 marked
11 for identification.)

12
13 Q And to do that I am going to show your attorney what's
14 been marked as Exhibit 5, which I will represent to you
15 is a copy of the complaint you filed initiating this
16 lawsuit. I will represent to it's 11 pages.

17 Your attorney is handing you what I have marked as
18 Exhibit 5. Do you want to take a moment to look at the
19 complaint, your complaint, Mr. Contreraz?

20 **A Yes.**

21 Q Okay. So we are not going to handle it the same way as
22 the interrogatories or the discovery. I am going to ask
23 you specific questions as we walk through your complaint,
24 all right?

25 **A All right.**

1 Q First I wanted to ask you legally, how do you identify as
2 far as race?

3 A **Black.**

4 Q Okay. Have you ever identified as anything other than a
5 black male?

6 A **Native American.**

7 Q Okay. What tribe?

8 A **Fort Belknap.**

9 Q Okay. And what does your driver's license say as far as
10 your race? I can't remember, does your driver's license
11 indicate a race?

12 A **Shall I look at it?**

13 Q Sure.

14 A **Sorry. I don't look at it every day.**

15 Q I don't either, actually.

16 A **Yeah, I don't know anybody that does.**

17 Q In fact, mine might expire any time now.

18 A **It doesn't say it on there.**

19 Q Okay. When you have -- thank you for looking. You can
20 put it back.

21 A **All right.**

22 Q When you have been in court for any of your criminal
23 matters, did you identify as a black male or Native
24 American male or something else?

25 A **Black male.**

1 Q Okay. Now I would like to direct your attention to
2 Exhibit 5. It's going to be your Paragraph 4.1, which is
3 on Page 2.

4 A All right.

5 Q So Paragraph 4.1 states, "On or about the early evening
6 of July 12th, 2020, the Tacoma Police Department, TPD,
7 allegedly received an emergency call reporting that a
8 white man and a black man were traveling together and
9 threatening other people with a weapon someone near
10 Wright Park in Tacoma."

11 Did I read Paragraph 4.1 accurately?

12 A You did, yes.

13 Q Do you have any doubt that Tacoma Police Department
14 received an emergency call about a felony harassment or
15 people with weapons in the park?

16 MR. COCHRAN: Objection to form. Go
17 ahead if you can.

18 THE WITNESS: I don't think they
19 received a call.

20 Q (By Ms. Cox) You don't think Tacoma Police Department
21 received a call about a white man and black man
22 threatening other people with a weapon in the park?

23 A No.

24 Q Why do you think they didn't get that call?

25 A I think it was just they saw a black man, and it was same

1 time George Floyd stuff was going on, and I happened to
2 be the black man that was the recipient of what they did
3 to me.

4 Q You don't think the Tacoma police officers received
5 information that a reporting party said he had been
6 threatened by a person, a black male and a white male
7 with weapons in Wright Park?

8 MR. COCHRAN: Objection to form.
9 Asked and answered. Go ahead if you can.

10 **THE WITNESS: No.**

11 Q (By Ms. Cox) And you have just testified that the reason
12 why you don't there was even a call, you know, there was
13 a call to TPD is because of what was going on in the
14 country regarding or similar to George Floyd?

15 A Correct.

16 MR. COCHRAN: Objection to form. Go
17 ahead.

18 Q (By Ms. Cox) Any other reason why you believe this was a
19 fabricated call?

20 MR. COCHRAN: Objection to form. Go
21 ahead if you can.

22 **THE WITNESS: Because the cops told me**
23 **that there was a person that reported it, and they were**
24 **driving around in the car at the park and they needed to**
25 **drive by and identify me as the person who assaulted**

1 **them.**

2 Q (By Ms. Cox) Do you think there wasn't a reporting party
3 or a victim?

4 A **I think there was a reporting party because I felt there**
5 **was no call. It was just somebody that waved them down,**
6 **is what I vaguely remember the officer saying is somebody**
7 **waved them down at Wright Park.**

8 Q Okay. So let me change how I phrase the question then.
9 So this Paragraph 4.1 says the Tacoma Police Department
10 allegedly received an emergency call.

11 Do you have any reason to doubt the Tacoma Police
12 Department or Tacoma police officers got information from
13 a reporting party or a victim that he had been threatened
14 in the park by a white male and a black male with
15 weapons?

16 MR. COCHRAN: Objection to form. Go
17 ahead.

18 **THE WITNESS: The way you put it right**
19 **there, yes, I believe they got waved down there.**

20 Q (By Ms. Cox) Do you have any reason to doubt that when
21 the officers were waved down or contacted by the
22 reporting party that the reporting party mentioned there
23 was two suspects, one white male and one black male?

24 A **I was never told there was two suspects until Sergeant**
25 **Jepson came.**

1 Q Do you have any reason to doubt, as you sit there now,
2 that the officers did not have information from a
3 reporting party that he had been threatened in the park
4 by a white male and black male?

5 MR. COCHRAN: Objection to form, but
6 go ahead.

7 THE WITNESS: I believe they did have
8 whatever you just said, yes.

9 Q (By Ms. Cox) You believe the officers did have
10 information about a black male and a white male
11 threatening the reporting party in the park?

12 A Yes.

13 Q And that there was weapons involved?

14 A Correct.

15 Q One of the weapons was a knife and one was a gun?

16 A Correct.

17 Q I will direct your attention now to Paragraph 4.4 on the
18 next page, Page 3 of the complaint. It states, "The TPD
19 officers explained to Plaintiff that they were allegedly
20 looking for a white male and a black male who were
21 reportedly seen threatening others with a weapon
22 somewhere near Wright Park."

23 Did I read Paragraph 4.4 correctly?

24 A No.

25 Q What did I read incorrectly?

1 A I was never informed about multiple people, a white male
2 and black male. I was just informed black male.

3 Q I didn't ask you that. I asked you if I read the
4 paragraph correctly.

5 MR. COCHRAN: Objection to form, but
6 go ahead if you can.

7 THE WITNESS: Yes.

8 Q (By Ms. Cox) So I read the paragraph correctly, right?

9 A Yes.

10 Q All right. So now to the question about this paragraph.
11 When was the first time officers explained to you that
12 they were looking for a white male and a black male?

13 A When Officer Jepson showed up, Sergeant Officer Jepson
14 showed up and informed me it was a white male also.

15 Q When were you first advised that they were looking for a
16 black male suspect in the park?

17 A Minimum ten minutes into interaction with the police
18 officers and after I was detained.

19 Q At the time that you were informed that a black male
20 suspect was seen in Wright Park, had you already been
21 handcuffed?

22 A Yes.

23 Q And had Officer Bain already pulled you down on the
24 picnic table?

25 A Yes.

1 Q Who told you that the officers were looking for a black
2 male suspect?

3 A The red headed officer.

4 Q Directing your attention to Paragraph 4.5 on the same
5 page, it says, "While Plaintiff Contreraz was speaking
6 with other officers at the picnic table, white TPD
7 Officer Christopher Bain, badge number 273 approached
8 silently from behind Plaintiff, placed his hands on
9 Plaintiff without letting his presence be known, and
10 violently slammed Plaintiff down onto the picnic table."

11 Did I read Paragraph 4.5 directly?

12 A Yes.

13 Q So it's your testimony today that Officer Bain approached
14 silently?

15 A Yes.

16 Q That means you did not hear him?

17 A No.

18 Q It also says in Paragraph 4.5 that "Officer Bain placed
19 his hands on Plaintiff without letting his presence be
20 known."

21 Did I read that right?

22 A Yes.

23 Q You earlier testified that Officer Bain was in your ear
24 yelling or talking to you, his body up against your right
25 shoulder before he placed his hands on you. Which

1 version is true?

2 MR. COCHRAN: Objection to form, but
3 go ahead if you can.

4 THE WITNESS: What was that?

5 Q (By Ms. Cox) So this paragraph says, "Officer Bain
6 placed his hands on Plaintiff without letting his
7 presence be known," correct?

8 A Yes.

9 Q Earlier you testified that Officer Bain, before he
10 grabbed your handcuffs and put his left arm on your
11 chest, he was up against your right shoulder, chipping or
12 yelling or talking in your right ear.

13 A Yes.

14 MR. COCHRAN: There's no question yet.

15 THE WITNESS: Oh, okay.

16 Q (By Ms. Cox) So did he talk to you before he put his
17 hands on you or not?

18 A Yelled.

19 Q Okay.

20 A Yes.

21 Q Okay. So his presence was known to you before he pulled
22 you back on the picnic table, correct?

23 MR. COCHRAN: Objection to form, but
24 go ahead if you can.

25 THE WITNESS: Yes.

1 Q (By Ms. Cox) So why does Paragraph 4.5 say he placed his
2 hands on you without letting his presence be known?

3 MR. COCHRAN: Objection to form. You
4 can answer if you can.

5 THE WITNESS: Because he walked behind
6 me and pulled me down.

7 Q (By Ms. Cox) But his presence was known to you at that
8 point, right?

9 MR. COCHRAN: Objection to form.
10 Argumentative. Go ahead if you can.

11 MS. COX: No speaking objections,
12 please.

13 MR. COCHRAN: I can give you a basis
14 so that you can take the opportunity to correct the
15 imperfection of the question.

16 MS. COX: If I ask you for
17 clarification. No speaking objections, please.

18 MR. COCHRAN: And I don't consider
19 that a speaking objection, but noted.

20 Q (By Ms. Cox) So, Mr. Contreraz, when Officer Bain
21 grabbed you from behind and pulled you back down on the
22 picnic table his presence was known to you already,
23 correct?

24 MR. COCHRAN: Objection to form.

25 THE WITNESS: In my vision he was

1 known, correct.

2 Q (By Ms. Cox) Yeah, you knew he was there, right?

3 MR. COCHRAN: Objection to the form.

4 THE WITNESS: When he was standing in

5 front of me, yes.

6 Q (By Ms. Cox) And so at the time he pulled you down you

7 already knew he was there?

8 MR. COCHRAN: Objection to form.

9 THE WITNESS: No.

10 Q (By Ms. Cox) Why do you say that?

11 A Because I did not see him behind me. I saw him in front

12 of me. I saw him touching me. He was in my face. He

13 was in my vision. I could see him correctly.

14 Q Directing your attention to Paragraph 4.6 on the same
15 page, Mr. Contreraz. It says -- are you there already?

16 A I am still on the same page. Three of ten, correct?

17 Q 4.6.

18 A Oh, yeah, I see it.

19 Q It says, "As a direct and proximate result of force of
20 the unprovoked and unlawful attack by TPD Officer Bain,
21 Plaintiff's neck was injured and required medical care."

22 Did I read that correctly?

23 A Yes, you did.

24 Q What injury did you sustain to your neck?

25 A From the incident?

1 Q Yes.

2 A Swelling of the muscles around the previous area where I
3 had two fractures.

4 Q Anything other than swelling?

5 A Concussion.

6 Q That would be your head, not your neck, correct?

7 A Oh, my neck, yeah. My head. Got a concussion.

8 Q Okay. Any other injury to your neck?

9 A Reaggravated the prior nerve damage around my fractured
10 bones in my neck.

11 Q Which vertebrae or bones were fractured?

12 A C-1 and C-3.

13 Q And what healthcare provider has told you that you have
14 aggravated nerve damage in your neck?

15 A Tacoma General Hospital?

16 Q I'm asking you.

17 A Oh, yeah. I'm not familiar with all the hospitals here,
18 so Tacoma General.

19 Q Okay. Has any other healthcare provider told you that
20 you aggravated a previous nerve -- previous nerve damage
21 in your neck during this incident?

22 A The neurosurgeon I saw, Dr. Chacko?

23 Q How do you spell it?

24 A It's on one of these pages, so I don't know the exact
25 spelling.

1 Q If you go to Exhibit 3, please, Page 4 of 12, your
2 supplemental answers to Interrogatory No. 18, and
3 actually Page 5 of 12.

4 A On 3?

5 Q Yeah, Exhibit 3. It will be your supplemental answers,
6 and then go to Page 5 of 12.

7 A Okay.

8 Q Do you see the Jebin Chacko, MD, at MultiCare neurology
9 in the middle of the page?

10 A Yeah.

11 Q It's spelled J-E-B-I-N?

12 A Yes.

13 Q C-H-A-C-K-O?

14 A Yes.

15 Q All right. That's the doctor you just referred to?

16 A Yes.

17 Q And that doctor told you you had aggravated --
18 reagravated nerve damage in your neck during this
19 incident?

20 A The doctor that gave me the referral to Dr. Chacko.

21 Q And who is that doctor?

22 A I don't know their names at the time when I saw them in
23 the Tacoma General emergency room, but the doctors that
24 filled the paperwork out for me, and -- or filled out the
25 reason why my visit. I do not know their names.

1 Q What kind of treatment have you received for the nerve
2 damage in your neck?

3 A **Medication, physical therapy.**

4 Q When did you last treat for it?

5 A **2021.**

6 Q And who would you say is your primary healthcare provider
7 for any nerve damage in your neck?

8 A **Puyallup Tribal Health Authority.**

9 Q How long did it take for the swelling in your neck to go
10 down?

11 A **Three weeks at least.**

12 Q Are you still treating for any injury to your neck from
13 this incident?

14 A **Self-care.**

15 Q Okay. That's it?

16 A **Yeah.**

17 Q Okay. What kind of self-care?

18 A **A lot of heating pads, Icy Hot rub, Advil, doing neck
19 workouts that the physical therapy people showed me how
20 to do when I was there getting physical therapy done.**

21 Q Are you doing physical therapy for your neck right now?

22 A **No.**

23 Q When was the last time you did any physical therapy for
24 your neck?

25 A **2021.**

1 Q You said it reaggravated a previous fracture at C1-C3?

2 A Correct.

3 Q What year was that?

4 A 2010.

5 Q How did you fracture your neck?

6 A I got hit in the back of the head with a 22-ounce beer
7 mug.

8 Q Was that a bar fight?

9 A It wasn't even a fight. It was just somebody walked up
10 and hit me in the back of the head with this beer mug.

11 Q Did it fracture your skull?

12 A It did.

13 Q Were you in a hospital inpatient in a hospital?

14 A Yes. I was in the ICU at the Billings Clinic.

15 Q Any permanent injury as a result of that attack in 2010?

16 A Constant neck pain daily.

17 Q Is that how you fractured your neck?

18 A Getting hit with the beer mug is how it broke -- the
19 impact broke the bones in my neck from the beer mug.

20 Q Have you fractured your neck on any other occasion?

21 A No.

22 Q What about the ATV accident in 2012?

23 A No.

24 Q You didn't fracture your neck?

25 A Not fractured, aggravated.

1 Q Okay. You didn't refracture your neck in 2012?

2 A No.

3 Q Your medical records reflect you were operating an ATV
4 while intoxicated and had a collision, is that not
5 correct?

6 A Not correct.

7 Q What's not correct about it?

8 A I wasn't operating the ATV intoxicated, and I had no
9 collision.

10 Q Did you ever injure your neck during an ATV accident?

11 A Not that I can recall.

12 Q Were you paralyzed at any point in time because of the
13 neck accident or neck injury?

14 A Yes.

15 Q Okay. What year was that?

16 A 2010 the initial impact paralyzed me.

17 Q You were not paralyzed because of a neck injury in 2012?

18 A No.

19 Q Did you ever injure your neck in any ATV accident in your
20 life?

21 A Yes.

22 Q What year was that?

23 A 2012.

24 Q Okay. So you did injure your neck in 2012, you are just
25 saying it was an aggravation of the fracture from 2010?

1 A Yes.

2 Q Did you refracture your neck in 2012?

3 A No.

4 Q Did you fracture your neck in this incident?

5 A No.

6 Q If I understood you correctly as we were talking about
7 Paragraph 4.6 of your Complaint, you had swelling at your
8 neck and you aggravated -- you had aggravation of your
9 nerve injury from the previous fracture of the neck from
10 2010?

11 A Yes.

12 Q Okay. Any other injuries to your neck that we haven't
13 talked about?

14 A Never. None. No.

15 Q I will direct your attention to Paragraph 4.7, please,
16 and are --

17 A On 3?

18 Q I'm sorry. Of the complaint, Exhibit 5. Go ahead and
19 put that other one to your left if you don't mind.

20 A You said 4.7?

21 Q Correct. On Page 3 of your complaint.

22 A All right.

23 Q Do you see that?

24 A Yes.

25 Q It reads, "After speaking with Plaintiff Contreraz and

independent witnesses, TPD officers acknowledge that Plaintiff Contreras was not involved in any way with the alleged emergency call. Plaintiff was eventually uncuffed but offered no medical care."

Did I read Paragraph 4.7 accurately?

A Correct.

Q Question for you. Did ever advise officers at the scene that you were in pain?

A No.

Q Did you ever advise any of the officers at the scene, including Sergeant Jepson, that you were injured?

A No.

Q Do you believe that the officers should have offered medical care at the scene?

A Yes.

Q Even though you didn't tell them you had been injured?

A Yes.

Q Are you saying they should have offered medical care to anyone they have ever handcuff?

MR. COCHRAN: Objection to form.

THE WITNESS: Anyone they have ever slammed on a metal picnic table, yes.

Q (By Ms. Cox) Okay. So you didn't tell them you were injured, right?

MR. COCHRAN: Objection to form.

1 THE WITNESS: No.

2 Q (By Ms. Cox) You didn't tell them you were in pain?

3 MR. COCHRAN: Objection to form.

4 THE WITNESS: No.

5 Q (By Ms. Cox) What medical care do you think the officers

6 should have offered you?

7 A Emergency routine.

8 Q Sorry?

9 A Emergency routine.

10 Q What is that?

11 A Call and say medical evaluating by first responders, I

12 guess.

13 Q They should have called aid to the scene?

14 A Yeah.

15 Q Okay. Did you go and seek health care the same day?

16 A No.

17 Q When was the first time you went and sought health care

18 for these injuries?

19 A The next morning.

20 Q Before you went to work?

21 A When I got to work and was there like three minutes

22 maybe.

23 Q And then you left work to go to --

24 A Tacoma General.

25 Q To Tacoma General? Why did you go to work and then leave

1 early to go to Tacoma General?

2 A I tried to type on the computer and my hands were cold,
3 sweating, tingly. I knew that exact feeling from when I
4 first broke my neck and I was paralyzed. I had the same
5 feeling in my arms and hands July 13th, the morning of.

6 Q You started work that day at eleven a.m., correct?

7 A I believe that day was nine or ten a.m., I believe. It
8 was earlier than eleven because I was one of the first
9 ones there, and there was only a few different co-workers
10 in there. The schedule nine, ten, eleven is when people
11 clock in.

12 Q Okay.

13 A They have multiple different shifts for people that work
14 later and people that get off earlier.

15 Q So if we talk to Tacoma Dodge they would be able to
16 confirm you started your shift earlier than normal on
17 July?

18 MR. COCHRAN: Objection to form.

19 THE WITNESS: Correct.

20 Q (By Ms. Cox) Okay. And they would be able to confirm
21 that you started at nine or ten but not eleven that day?

22 MR. COCHRAN: Objection to form.

23 THE WITNESS: They will have records
24 of my time card, correct.

25 Q (By Ms. Cox) Why didn't you go straight to the ER when

1 you had problems getting up on the 13th?

2 **A I was not typing on any computers or using my hands and**
3 **arms for any sort of motion besides to put my clothing**
4 **on.**

5 Q So you didn't notice any of those symptoms until you got
6 to work and started your job?

7 **A Correct.**

8 Q Let's look at Paragraph 4.9 on the same page. It says,
9 "Rather than address Plaintiff's injury, which occurred
10 as a result of the illegal actions of Defendant Bain,
11 Bain and other officers stood nearby Plaintiff Contreraz,
12 and other witnesses to the attack and stared menacingly
13 at the Plaintiff."

14 Did I read that paragraph correctly?

15 **A Correct.**

16 Q What does stared menacingly mean?

17 **A Stared menacingly?**

18 Q Yes. What does that mean?

19 **A It means after he put his fingers to my forehead and they**
20 **pulled them away he walked about maybe ten feet and then**
21 **turned around and put his right hand on his gun and left**
22 **hand on his upper vest and head sideways, and just stared**
23 **me down.**

24 They once again came back, and the other officers
25 came back and physically had to turn him around and push

1 him towards the street where he got another 15 feet
2 maybe, and he did the same exact thing.

3 Q So menacingly means standing how many feet from you?

4 A About ten feet with a hand on his gun.

5 Q Hand on the gun, which was in a holster, right?

6 A Correct.

7 Q The other hand was hooked into his bullet proof vest?

8 A Vest, stop of his vest on his left side.

9 Q His bullet proof vest?

10 A Correct.

11 Q Okay. His head was cocked to one direction?

12 A To the side, and fixed on me.

13 Q Okay. You are sure he was looking at you?

14 A Yes.

15 Q Okay. And that's what you mean by menacingly?

16 A Correct.

17 Q And you said you saw other officers have to physically
18 push Officer Bain away from you towards the street?

19 A Correct.

20 Q You saw them do this twice?

21 A Twice.

22 Q When did you start filming with your cell phone?

23 A The second time he -- they pulled him back or pushed him
24 away, or got him closer to the street.

25 Q So you have on your cell phone video one of the two I

1 have seen you believe there's footage of the second time
2 officers were pushing Officer Bain away from you and
3 towards the street?

4 MR. COCHRAN: Object to the form, but
5 go ahead if you can.

6 THE WITNESS: When he got to the
7 street after they pushed him away is when I started
8 recording.

9 Q (By Ms. Cox) Oh, so you did not start recording when he
10 was being directed to or pushed towards the street the
11 second time by officers?

12 A Yes. Because I had not -- because like I said earlier,
13 they took the cell phone out of my hand and put it on the
14 table, so at this point of the interaction I was able to
15 receive (sic) my cell phone from the picnic table.

16 Q Okay. So you did not film either of these two
17 occurrences of Officer, Officer Bain allegedly staring at
18 you and having to be pushed away from you by other
19 officers?

20 MR. COCHRAN: Objection to form, go
21 ahead if you can.

22 THE WITNESS: No.

23 Q (By Ms. Cox) You don't have any video of that?

24 A No.

25 Q You don't have any video of your interactions with the

1 red headed officer, correct?

2 A No.

3 Q You have no video of your interaction with Officer Bain?

4 A No.

5 Q Okay. Did the other officers stare menacingly at you?

6 A No.

7 Q As they were staring at you, did they -- anyone speak or
8 touch you any further?

9 A No. They were just yelling and stuff from the circle
10 they made around Bain when I started to record him.

11 Q Oh, so you had video of them yelling stuff?

12 A They were yelling stuff prior to me recording.

13 Q So you don't have video of the officers yelling stuff?

14 A No.

15 Q Directing your attention to Paragraph 4.10 it says,
16 "Eventually a uniformed individual, who identified
17 himself as a TPD sergeant, spoke with Plaintiff Contreraz
18 and two unaffiliated individuals, also in the park at the
19 same time as Plaintiff, and who witnessed the assault by
20 Defendant Bain. The sergeant heard directly from the two
21 eyewitnesses regarding Bain's unprovoked attack on
22 Plaintiff. The sergeant assured Plaintiff and witnesses
23 on video that he would address the matter with Officer
24 Bain."

25 Did I read Paragraph 4.10 accurately?

1 **A Yes.**

2 Q In here it says -- at the top of the paragraph it says,
3 "A uniformed individual who identified himself as a TPD
4 sergeant," right?

5 **A Yes.**

6 Q That was Sergeant Kevin Jepson, J-E-P-S-O-N, correct?

7 **A Yes.**

8 Q And, in fact, Sergeant Jepson is on video telling you who
9 he is, correct?

10 **A Yes.**

11 Q So he's not an unidentified uniformed individual, he's a
12 TPD sergeant and he gave you his name, right?

13 MR. COCHRAN: Objection to form, but
14 go ahead if you can.

15 **THE WITNESS: Yes.**

16 Q (By Ms. Cox) Okay. And he had his name tag on his
17 uniform that said Jepson?

18 MR. COCHRAN: Objection to form.

19 **THE WITNESS: I didn't see it. I just**
20 **heard him say I am Officer -- or Sergeant Jepson with the**
21 **Tacoma Police Department.**

22 Q (By Ms. Cox) How many separate videos do you have that
23 you took on the date of the incident?

24 **A I have two.**

25 Q Okay. And I think I have seen both of them. You can see

1 on Sergeant Jepson's uniform his name tag, correct?

2 **A Uh, I wasn't looking for his name tag.**

3 **Q** Have you ever looked at the videos?

4 **A Yes, I have watched the videos.**

5 **Q** Did you watch them before you filed this complaint?

6 **A Yes.**

7 **Q** When Sergeant Jepson arrived at the scene he came to talk
8 to you, right?

9 **A Correct.**

10 **Q** He talked to you then he also offered to take a
11 complaint, correct?

12 **A Correct.**

13 **Q** Okay. He took out his note pad, correct?

14 **A Yes, he did.**

15 **Q** He took out a pen, correct?

16 **A Correct.**

17 **Q** And then he asked you for your name, correct?

18 **A Nope.**

19 **Q** He did not ask you for your name?

20 **A** No. He just said, I can take your guys' information, or
21 I can take your information he said.

22 **Q** And then what happened?

23 **A I declined.**

24 **Q** Declined what?

25 **A Him taking my information.**

1 Q Okay. So he didn't get your name, did he?

2 A No.

3 Q Why is that?

4 A Because I never gave it to him and he never asked for my
5 name.

6 Q Why did you not give him your name?

7 MR. COCHRAN: Objection to form.

8 THE WITNESS: Because he never asked
9 for my name.

10 Q (By Ms. Cox) What do you think he took the note pad and
11 pen out for?

12 A Information, contact information.

13 Q Did you give him your contact information?

14 A Nothing.

15 Q Why?

16 MR. COCHRAN: Objection to form. Go
17 ahead if you can.

18 THE WITNESS: Because I said I didn't
19 trust him.

20 Q (By Ms. Cox) Why did you not trust Sergeant Jepson?

21 A Because of what his officers just did to me.

22 Q What do you think Sergeant Jepson could do without your
23 contact info?

24 MR. COCHRAN: Objection to form.

25 THE WITNESS: I made it clear as -- on

1 the video it states that I would file it online, so that
2 is what discouraged him from pursuing to get my contact
3 information.

4 Q (By Ms. Cox) And that's not the question I asked you.
5 So what could Sergeant Jepson do for you if he didn't
6 have your contact info?

7 MR. COCHRAN: Objection to form, but
8 answer if you can.

9 THE WITNESS: Nothing.

10 Q (By Ms. Cox) And you told Sergeant Jepson son that you
11 would file a complaint the next day, July 13th, correct?

12 MR. COCHRAN: Objection to form,
13 misstates. Go ahead.

14 THE WITNESS: I never said the next
15 day.

16 Q (By Ms. Cox) What did you say?

17 A I will file it online, or if I have to go down to an
18 office and file it to whoever I can file it with.

19 Q Did you make a statement that you would file a complaint
20 or make a complaint every week?

21 A No, I did not.

22 Q Did you say something like that that's on video?

23 A I said I will pursue this matter until it gets resolved
24 is my words.

25 Q Did you say you would do it every week?

1 A Every week if I have to, yes.

2 Q Okay. Did you pursue it every week like you said you
3 would?

4 A I pursued it one time.

5 Q Was there anything else you believe Sergeant Jepson could
6 have done for you on July 12th?

7 MR. COCHRAN: Objection to form.

8 THE WITNESS: No.

9 Q (By Ms. Cox) You have a prior history of refusing to
10 give your name or identification to officers, correct?

11 MR. COCHRAN: Object to the form.

12 THE WITNESS: Absolutely.

13 Q (By Ms. Cox) Okay. What's that -- why?

14 MR. COCHRAN: Objection to form.

15 Q (By Ms. Cox) In your own words, why?

16 MR. COCHRAN: Object to form.

17 THE WITNESS: Just no reason. If I
18 haven't done anything, why ID yourself.

19 Q (By Ms. Cox) Do you have any other reasons for that?

20 A That's basically it.

21 Q So this same Paragraph 4.10 refers to two unaffiliated
22 individuals. Is that Seth Smith and Chrissy Wade, the
23 male and female who stood with you when you talked to
24 Sergeant Jepson?

25 A Correct.

1 Q Okay. What is your understanding of what they saw of the
2 incident?

3 A They watched the entire thing unfold from when the cops
4 approached me and initially put me in handcuffs to
5 officers slamming me to the sergeant coming and sergeant
6 leaving.

7 Q So your understanding is that both Ms. Wade and Mr. Smith
8 saw the whole event from the initial approach of the
9 officers?

10 MR. COCHRAN: Objection to form. Go
11 ahead if you can.

12 THE WITNESS: Correct.

13 Q (By Ms. Cox) Okay. How far away were they from you when
14 the officers first approached you?

15 A Thirty yards maybe.

16 MR. COCHRAN: When you get a point to
17 break, can we go ahead and break? We are at 2:15 now.

18 MS. COX: Another two or three
19 questions then sure. Thank you.

20 Q (By Ms. Cox) When did you first realize Smith and Wade
21 were in the park that day?

22 A When I walked to the park or when I got to the picnic
23 table?

24 Q No. When did you first realize they were in the park?

25 A Oh, when I walked to the picnic table.

1 Q So you saw them before the officers ever approached you?

2 A I didn't know it was them. I just saw two people in
3 hammocks off to the side. I didn't know it was them
4 exactly.

5 Q But you knew Ms. Wade, though, right?

6 A No. I just asked her about the dog. I didn't know her
7 name or nothing.

8 Q Were there any other people around when the officers
9 contacted you other than Ms. Wade and Mr. Smith?

10 A I cannot recall.

11 Q There were other people in the park, correct?

12 MR. COCHRAN: Objection to form.

13 THE WITNESS: Probably, yes.

14 Q (By Ms. Cox) Okay. Were there other people on your side
15 of the park?

16 A No.

17 Q It was pretty empty?

18 A Yes.

19 MS. COX: We can take a break now.
20 How long would you like, ten?

21 MR. COCHRAN: Five minutes.

22 MS. COX: Well, five barley gets you
23 to the restroom and back.

24 THE WITNESS: That's where I'm going
25 right now, the water.

MS. COX: Okay. Let's do ten.

THE VIDEOGRAPHER: Going off record.

Time now is 2:16 p.m.

(Recess 2:16 p.m. to

2:23 p.m.)

THE VIDEOGRAPHER: Back on record.

Time now is 2:23 p.m.

Q (By Ms. Cox) Thank you. We are still on Exhibit 5, Mr. Contreraz. And I would like to please direct your attention to Paragraph 4.11, also on Page 3. It's at the bottom.

A All right.

Q Do you see that?

A Yes.

Q Okay. So Paragraph 4.11 states, "On August 27, 2020 Plaintiff sent an email message to the Tacoma Police Department's Internal Affairs, IA Division, to formally report the matter. Plaintiff still to this day has never received an email, message, or telephone call regarding the incident, or even an acknowledgment that his complaint was received by IA."

Did I read Paragraph 4.11 correctly?

A You did, yes.

Q Okay. Is it your testimony today that you sent an email

1 to the Tacoma Police Department Internal Affairs or TPD
2 IA to report your complaint related to the police contact
3 on July 12th, 2020?

4 **A Yes. Correct.**

5 Q And you just sent that one email on August 27, 2020?

6 **A Yes, I did. Correct.**

7 Q Why did you send an email on August 27, 2020?

8 MR. COCHRAN: Object to the form, but
9 go ahead if you can.

10 THE WITNESS: Because I wanted to get
11 the issue resolved.

12 Q (By Ms. Cox) Why did you not send something before?

13 **A Mainly because I was dealing with the injuries and**
14 **doctors. It's what consumed up most of my time.**

15 (Exhibit No. 6 marked
16 for identification.)
17

18 Q I'm showing your attorney what's been marked as Exhibit
19 6. It's a one-page exhibit that is, I believe, a copy of
20 your email dated August 27, 2020.

21 Do you have that in front of you?

22 **A Yes, I do.**

23 MR. COCHRAN: Do you have one more
24 copy?

25 MS. COX: Yes.

MR. COCHRAN: Thank you.

Q (By Ms. Cox) Is that the email that you are stating in your complaint that you sent to Tacoma Police Department Internal Affairs on August 27th, 2020?

A Yes.

Q In looking at Exhibit 6, the email, it looks like it's a forward message from Kevin Durant, six player03@gmail.com sent on Thursday, August 27, 2020 at 10:30 a.m.; is that right?

A Yes.

Q It looks like the to is tpd-ia@ci.tacoma.wa.us, correct?

A Correct.

Q A question about what's above the line, above all that information I just read into the record, there's another from/to subject/date section and it says from Kevin Durant to Loren Cochran, your attorney. Subject, forward officer complaint: from Mr. Zimmeri Contreraz, date Thursday, August 27, 2020 at 10:33 a.m. and one second.

Is that information I just read above the line on your email correct?

A Correct.

Q It looks like by the time passed that you may have sent an email to TPD IA at 10:30 a.m. on August 27th, and then three minutes later turned around and sent a copy to Mr. Cochran?

MR. COCHRAN: And I'm instructing you not to reveal any conversations that you and I have had. As far as what's specifically written here you are allowed to answer.

THE WITNESS: What was that?

Q (By Ms. Cox) So you sent an email or you reportedly sent an email to TPD Internal Affairs and then three minutes later sent a copy to your attorney; is that correct?

A Correct.

Q Okay. How do you know you hit send to TPD IA?

A Because I pressed the send button.

Q Do you have a copy of the sent email?

A It's on my cell phone, yes, or on my email, yes.

Q The email sixplayer03@gmail.com?

A Correct.

Q Do you believe you provided that to us pursuant to our request, our second interrogatories and request for production? Do you think that you provided that email?

A Yes.

Q Did you -- why did you use the name Kevin Durant?

A As I stated earlier, I do a lot of Craigslist jobs on there. There's a lot of weirdos so I don't like giving out personal information so I just use that when I replay to moving jobs and stuff.

Q And why did you use that when sending your email to the

1 Tacoma Police Department Internal Affairs?

2 **A Because it just came from my email, which it has Kevin**
3 **Durant.**

4 Q Is this the only email identity you have, Kevin Durant,
5 sixplayer03@gmail.com?

6 **A Yeah, it's the only email I have.**

7 Q Who wrote this email?

8 **A I put it together.**

9 Q Did you write it?

10 **A Yes.**

11 Q Did you write all of it?

12 **A My -- this is what happened and I put it into writing, or**

13 **I put it in a draft as an email.**

14 Q You wrote this entire email?

15 **A Yes.**

16 MR. COCHRAN: Objection to form.

17 Q (By Ms. Cox) I'm sorry. You have to let me finish the
18 question.

19 **A Oh, my bad.**

20 Q You wrote this entire email?

21 MR. COCHRAN: Objection to form. Go
22 ahead if you can.

23 **THE WITNESS: Yes.**

24 Q (By Ms. Cox) Okay. Did you share a draft of this email
25 with anyone before you finalized it?

1 MR. COCHRAN: Again, I instruct you
2 not to answer anything that may implicate communications
3 between you and me or my office.

4 **THE WITNESS: What was that?**

5 Q (By Ms. Cox) Other drafts, did you do drafts of this
6 email before the final one you -- that is Exhibit 6?

7 MR. COCHRAN: Again, if it involves
8 attorney/client communications do not answer.

9 **THE WITNESS: My draft in my email is**
10 **what I put together.**

11 Q (By Ms. Cox) So the draft and the final are all the
12 same?

13 **A Yes.**

14 MR. COCHRAN: Objection to form. Go
15 ahead.

16 **THE WITNESS: Yes.**

17 Q (By Ms. Cox) So let's take a look at Exhibit 6, all
18 right.

19 I will give you a moment if you would like to read
20 it from start to finish and we can go off the record and
21 just look up when you are done?

22 **THE WITNESS: Okay.**

23 MS. COX: Let's go off the record.

24 THE VIDEOGRAPHER: Going off record.

25 The time now is 2:30 p.m.

(Recess 2:30 p.m. to
2:31 p.m.)

THE VIDEOGRAPHER: Back on record.

Time now is 2:31 p.m.

Q (By Ms. Cox) Mr. Contreras, while we were off the record you took the opportunity to review Exhibit 6, which is the email dated August 27, 2020, correct?

A Correct.

Q Is this email still accurate?

A Correct.

Q Anything you want to change?

A Nope. No.

Q Okay. So let me direct your attention to six lines up from the bottom. The sentence that starts in the middle of the page, six lines up, it starts as "Bain was directed away from me."

Do you see that?

A Yes.

Q That sentence reads, "Bain was directed away from me and the witnesses, but he stood close by with other officers and stared menacingly at you for several minutes."

Did I read that sentence correctly?

A Yes.

Q Okay. Skip the next sentence and go to the next sentence

1 after that that starts with, "I was eventually uncuffed."

2 Do you see that?

3 **A Yes.**

4 **Q** That sentence reads, "I was eventually uncuffed and a TPD
5 sergeant later came by and said he would speak with
6 Officer Bain about his attack on you."

7 Did I read that sentence correctly?

8 **A Correct.**

9 **Q** So it appears that these two sentences were written by
10 someone else about you; is that a fair statement?

11 MR. COCHRAN: Do not answer if it
12 involves attorney/client communications.

13 **THE WITNESS: No.**

14 **Q** (By Ms. Cox) So you said you wrote these sentences?

15 **A Correct.**

16 **Q** And so why do refer to yourself in, I guess, the third
17 person?

18 MR. COCHRAN: Objection to form.

19 **THE WITNESS: I don't proofread. I**
20 **have auto -- when I put something together on my phone,**
21 **even text example, it already brings up words. I don't**
22 **know auto -- it's not auto correct but auto words and it**
23 **just goes. So I write something long like this and it**
24 **just -- basically, I should have -- I should proofread.**
25 **I do this with emails, everything, texts, long**

1 texts. I don't proofread until after it's already sent
2 and then I got to go back and auto correct everything and
3 just say this or that basically.

4 Q (By Ms. Cox) So you are saying your auto correct changed
5 "me" to "you" in these two sentences?

6 MR. COCHRAN: Objection to form, but
7 go ahead if you can.

8 THE WITNESS: Correct.

9 Q (By Ms. Cox) Is this the only attempt you made to
10 contact TPD about the incident on July 12th?

11 A Correct.

12 Q Why did you not call TPD?

13 A I didn't know how to get ahold of them besides the 911.

14 I have never had to call cops before.

15 Q Never had to call cops before?

16 A Call law enforcement.

17 Q Before August 27, 2020?

18 A Yeah.

19 Q Do you know how to look up phone numbers?

20 MR. COCHRAN: Objection to form.

21 THE WITNESS: Google search.

22 Q (By Ms. Cox) So you know how to look up phone numbers?

23 MR. COCHRAN: Objection to form.

24 Q (By Ms. Cox) Correct?

25 A I was not aware that you could contact officers directly,

1 or departments so I hit like Google search. I have the
2 saying, "When in doubt, just Google it," and basically
3 find anything you want on there.

4 Q Are you telling me you didn't know how to find a phone
5 number for the City of Tacoma Police Department?

6 MR. COCHRAN: Objecting to form.

7 THE WITNESS: Not until I Googled it.

8 Q (By Ms. Cox) Oh, so when did you Google it?

9 A Same day I found out the City website and all the
10 different links and offices on there.

11 Q So when did you do that?

12 A Probably multiple times after the incident up until this
13 email.

14 Q Okay.

15 A Basically just collecting information.

16 Q But, in that time frame from July 12, 2020 until August
17 27, 2020, you didn't call anyone at Tacoma Police
18 Department, correct?

19 A Correct.

20 Q And you didn't send any other emails, correct?

21 A No.

22 Q Did you use the 311 system that's also online to register
23 a complaint, comment, or a request for a phone call?

24 A No.

25 Q Do you know what I'm talking about 311?

1 A **Nope.**

2 Q You said you collected information on City of Tacoma.

3 Did you not see on their web page the 311 link?

4 A **No, I do not recall seeing 311.**

5 Q What other efforts did you make to contact the City of

6 Tacoma or the police department regarding the incident on

7 July 12th, 2020?

8 A **None, just my email.**

9 Q Did you ever try to call the Tacoma Police Department

10 nonemergency number?

11 A **No.**

12 Q Did you get a response to your August 27, 2020 email?

13 A **No.**

14 Q Did you resend it or follow up in any way?

15 A **No.**

16 Q Why not?

17 A **Because I figured it was in their system if I sent it.**

18 **They would have record of it and they would get ahold of**

19 **me. It's a big city. They probably have a lot of them.**

20 Q On what device did you draft this email?

21 A **Android phone.**

22 Q Okay.

23 A **I use talk to text when I'm writing really long emails,**

24 **long messages, text messages, so I'm -- and like I said,**

25 **after I send it I have to go back and correct it. And**

1 some people don't even know what I'm talking about so I
2 got to -- because it automatically puts the words in for
3 me.

4 Q Did you go back and correct this email?

5 MR. COCHRAN: Objection to form.

6 THE WITNESS: A little.

7 Q (By Ms. Cox) So there's another email that is somewhat
8 corrected?

9 MR. COCHRAN: Objection to form.

10 THE WITNESS: No. This was -- like I
11 said, I did the draft and then I just went back vaguely.

12 Q (By Ms. Cox) Vaguely?

13 A Vaguely.

14 Q What do you mean by vaguely?

15 A Trying to -- where I used the talk to text to write long
16 sentences where I meant this -- I meant to say this word
17 but the phone put this word and so then I corrected some
18 of the words.

19 Q So exhibit -- the email in Exhibit 6 is your corrected
20 final draft, correct?

21 A Not a hundred percent corrected, but most of it is
22 corrected.

23 Q But your standard procedure is to review what you have
24 done in talk to text and make sure it's correct?

25 MR. COCHRAN: Objection to form.

1 **THE WITNESS: To a point.**

2 Q (By Ms. Cox) Do you believe you did talk to text with
3 this email?

4 A I remember absolutely I did talk to text because it was
5 so long.

6 Q From what device did you send this email to Tacoma?

7 A From my cell phone.

8 Q Did you keep a hard copy?

9 A Like print it off?

10 Q Yes.

11 A No.

12 Q Okay. If you will put that aside, Mr. Contreraz. I want
13 to move on. I want to direct your attention to Exhibit
14 5, the Complaint again, Paragraph 5.4. And I think that
15 is on -- it starts on Page 5 of 10 at the bottom of the
16 page.

17 A Which one was it?

18 Q Paragraph 5.4.

19 A All right.

20 Q Do you see that?

21 A Yes.

22 Q Reading it, it says, "Officer Bain violated the Fourth
23 Amendment's clearly established prohibitions against
24 excessive force when he violently slammed Plaintiff down
25 onto the picnic table without any legal justification.

1 Plaintiff Zimmeri Contreras was engaged in a conversation
2 with other TPD officers and offering no resistance when
3 he was attacked by Officer Bain without provocation."

4 Did I read that Paragraph 5.4 correctly?

5 **A Correct.**

6 Q It says you were engaged in conversation with other TPD
7 officers, correct?

8 **A Yes.**

9 Q What conversation were you engaged in?

10 **A With the red head cop in front of me asking me where I**
11 **was prior to them contacting me, and I was trying to**
12 **explain to him what I was doing at this park and where I**
13 **was in this time frame.**

14 Q Is that what you meant by conversation in Paragraph 5.4?

15 **A Yes, conversation.**

16 Q Did you have any other -- were you engaged in any other
17 conversation with any other officers?

18 **A No, I was not.**

19 Q Okay. So when it says "Plaintiff Zimmeri Contreras was
20 engaged in a conversation with other TPD officers," not
21 entirely accurate. It was one officer you were engaged
22 in conversation with, correct?

23 MR. COCHRAN: Objection to form. Go
24 ahead if you can.

25 **THE WITNESS: Correct.**

1 Q (By Ms. Cox) And that was just the red headed officer?

2 A Yes.

3 Q All right. And you believe that back and forth, verbal
4 back and forth was a conversation?

5 A Trying to figure out what I'm doing here in handcuffs.
6 It was -- if you could call it a conversation.

7 Q I'm not calling it a conversation. Your complaint says
8 it's a conversation in Paragraph 5.4.

9 A Yeah.

10 Q So you believe you were having a conversation with the
11 red headed officer?

12 A Uh-huh.

13 Q Is that a yes?

14 A Yes. Sorry. My bad.

15 Q That's okay. And you were not having any other
16 conversations with any other officers at that time?

17 A No.

18 Q In fact, you testified earlier that they were all talking
19 to you at the same time and you couldn't hear them, right?

20 A Yes.

21 Q So you are now saying you could hear the red headed
22 officer?

23 MR. COCHRAN: Objection to form. Go
24 ahead if you can.

25 THE WITNESS: He started talking to me

1 after the incident with Bain. That is when some of the
2 officers cleared away, and now I have a one-on-one
3 conversation going.

4 Q (By Ms. Cox) And you are saying that happened after
5 Officer Bain pulled you back?

6 A Correct.

7 Q But Paragraph 5.4 says you were engaged with other
8 officers when you were attacked by Officer Bain?

9 A Not officers. They were all talking to me at once. The
10 red head officer didn't start explaining it to me until
11 these other officers got Bain away from me, and three of
12 them, so that eliminated four of the officers that were
13 in my face. And then the red headed officer started
14 explaining to me why I'm in handcuffs and why they
15 detained me.

16 Q This paragraph says you were engaged in a conversation
17 with officers or officer, when you were attacked by
18 Officer Bain; is that correct or not correct?

19 A Correct.

20 Q So you were having a conversation with multiple officers
21 when Officer Bain attacked you?

22 MR. COCHRAN: Objection to form.

23 THE WITNESS: It was all talking to me
24 and I'm trying to answer questions.

25 Q (By Ms. Cox) Earlier you said you couldn't hear what

1 they were saying and they were all talking at the same
2 time. That's not accurate, is it?

3 MR. COCHRAN: Objection to form.

4 THE WITNESS: They were all talking at
5 the same time. I couldn't pick out one conversation from
6 the next. I don't have an attention span like that.

7 Q (By Ms. Cox) Were you or were you not engaged in a
8 conversation with any officer at the time you were
9 attacked by Officer Bain?

10 MR. COCHRAN: Objection to form.

11 THE WITNESS: Not conversations, just
12 verbal back and forth with all of them.

13 Q (By Ms. Cox) Isn't it true you were arguing with the
14 officers?

15 MR. COCHRAN: Objection to form.

16 THE WITNESS: That is false. No, I
17 was not arguing.

18 Q (By Ms. Cox) It says in Paragraph 5.4 that you were
19 offering no resistance, correct?

20 A Correct.

21 Q What do you mean by that?

22 A Not trying to pull away. Not trying to run. Not trying
23 to -- not getting in anyone's face. Basically, just sat
24 there. They instructed me to sit and not move and that's
25 exactly what I did.

1 Q And so your testimony today is you didn't even stand up
2 to take a step?

3 A I couldn't stand up. As I said earlier, the red head was
4 basically standing in between my lege, with legs to legs
5 and officer chest to my arm. I can't move this way. And
6 another offer to my left, I couldn't even bring my arm up
7 if I wanted because he was standing close to me also.

8 Q Did the officers tell you why they were standing so close
9 to you?

10 A No. I got no explanation.

11 Q Paragraph 5.7 on the same page says, "Defendant
12 Christopher Bain intentionally slammed Plaintiff Zimmeri
13 Contreraz into a picnic table while Plaintiff was
14 handcuffed without provocation, license, or
15 justification."

16 Did I read Paragraph 5.7 correctly?

17 A You did. Correct.

18 Q Okay. So it says that Christopher Bain, you know,
19 Officer Bain slammed you into a picnic table. Do you see
20 that?

21 A Uh-huh.

22 Q Did he slam you into a picnic table?

23 A Yes.

24 Q Describe that for me. Which part of this was slamming?

25 A Slammed me backwards onto the picnic table.

1 Q I thought you said he pulled you backwards?

2 MR. COCHRAN: Objection to form.

3 THE WITNESS: Pulling caused the
4 slamming.

5 Q (By Ms. Cox) What exactly is the slamming then?

6 A Making contact with the picnic table with the back of my
7 head and my back.

8 Q So Paragraph 5.7 should read, Defendant Christopher Bain
9 intentionally pulled you causing you to be slammed into
10 the picnic table, right?

11 MR. COCHRAN: Objection to form.

12 THE WITNESS: Incorrect.

13 Q (By Ms. Cox) It should say he slammed you into the
14 picnic table?

15 A Correct.

16 MR. COCHRAN: Objection to form. Give
17 me just a minute, please.

18 Q (By Ms. Cox) Is it your testimony that you were slammed
19 into the picnic table by Officer Bain?

20 MR. COCHRAN: Objection to form.

21 THE WITNESS: Yes.

22 Q (By Ms. Cox) In this paragraph -- actually, Paragraph
23 5.8 right below it. It says, "The acts of Defendant Bain
24 were done with intent to cause harmful or offensive
25 contact or an apprehension by Plaintiff of such contact."

1 Did I read Paragraph 5.8 correctly?

2 **A Yes.**

3 Q Why do you believe the actions you described by -- the
4 actions of Officer Bain as you have described were done
5 with the intent to cause harmful or offensive contact?

6 MR. COCHRAN: Objection to form.

7 **THE WITNESS: With the force I was**
8 **slammed down on the picnic table with.**

9 Q (By Ms. Cox) So you think the degree of force is
10 evidence of his intent to cause harmful or offensive
11 contact?

12 MR. COCHRAN: Objection to form.

13 **THE WITNESS: That the amount of**
14 **strength he used to pull me back, yes.**

15 Q (By Ms. Cox) What else do you believe shows Officer
16 Bain's intent to cause harmful or offensive contact?

17 **A Just pulling me.**

18 Q Anything else?

19 **A How mad he was. I wasn't acknowledging him when he was**
20 **in my face is what caused him to go behind and do that to**
21 **me. So it wasn't -- I think it was very malicious. He**
22 **knew his intent was to cause harm to me for not**
23 **acknowledging him.**

24 Q What do you mean by not acknowledging him?

25 **A When he was pressed up against me and in my ear and I**

1 wasn't even paying attention to him, that's what caused
2 it.

3 Q You think that made him mad?

4 A Absolutely.

5 Q What makes you believe he was mad?

6 A His face was red. He was sweating. He was yelling.
7 Cussing at me. And every -- I don't know, every 20
8 seconds I would turn and say something that he was saying
9 to me, and then I finally called him a little man and
10 turned my head away from him. And I felt he was not
11 getting the respect he wanted from me and that is what
12 caused him to pull me down on the picnic table like that.

13 Q Do you have any understanding of why Officer Bain would
14 have started yelling in your ear and swearing at you when
15 he was standing off to your right shoulder?

16 A No idea. Never had a run-in with Officer Bain or any
17 police department.

18 Q He just started the contact with that behavior?

19 MR. COCHRAN: Objection to form. Go
20 ahead if you can.

21 THE WITNESS: From the contact, from
22 the initial contact, the start of it is how -- it is how
23 he presented himself to me and it just continued and
24 escalated from there.

25 Q (By Ms. Cox) Yelling and swearing from the get-go?

1 A **Correct.**

2 Q **And you did nothing of the like back to him?**

3 MR. COCHRAN: Objection to form.

4 **THE WITNESS: Not to my knowledge, no.**

5 Q (By Ms. Cox) You didn't swear at him?

6 MR. COCHRAN: Objection to form.

7 **THE WITNESS: No.**

8 Q (By Ms. Cox) Didn't make accusations at him?

9 MR. COCHRAN: Objection to form.

10 **THE WITNESS: I called -- I said you**
11 **have little man syndrome. Get out of my face.**

12 Q (By Ms. Cox) And that's the only thing you said to him?

13 A **I believe so, yes.**

14 Q That's the only thing you said to Officer Bain?

15 MR. COCHRAN: Objection to form.

16 **THE WITNESS: Is this before or after?**

17 Q (By Ms. Cox) At any time.

18 MR. COCHRAN: Objection to form.

19 **THE WITNESS: I repeatedly said you**
20 **just doing this because I'm black? And you are just a**
21 **man on a power trip. And I said to him maybe two times**
22 **that he has little man syndrome and -- because he just**
23 **kept getting in my face.**

24 Q (By Ms. Cox) Do you have a clear recollection of what
25 you said during the entire encounter to any of the

1 officers?

2 **A Yes.** I kept repeatedly saying to the red head, I was not
3 across this park over there, or across the park where
4 they said, well we -- somebody says you were right over
5 here assaulting people. And I said I have been here, and
6 you kept repeating it to -- I was trying to repeat it to
7 the red headed cop over and over that I have just been
8 sitting on this table. I have not done anything to
9 anybody at this park.

10 **Q** Directing your attention to Paragraph 5.10 in Exhibit 5,
11 do you see that?

12 **A Yes.**

13 **Q** It says, "As a result of Defendant Bain's conduct,
14 Plaintiff sustained physical injury, pain, suffering, and
15 mental anguish. Plaintiff has also incurred expenses for
16 necessary medical treatment as a result of his injuries."

17 Did I read Paragraph 5.10 accurately?

18 **A Correct.**

19 **Q** Other than the swelling in your neck, the reaggravation
20 of nerve damage in your neck, and a possible concussion,
21 what other physical injuries did you sustain in this
22 incident?

23 **A Limited my ability to lift heavy objects.**

24 **Q** So I will ask you the effects. What I'm asking you for
25 now is what injuries.

1 MR. COCHRAN: Objection to form.

2 Q (By Ms. Cox) So I asked you what injuries you have
3 sustained that we haven't already talked about. We will
4 talk about the effects of those injuries in subsequent
5 questions.

6 A No, that was it.

7 MR. COCHRAN: Objection to form. Go
8 ahead.

9 Q (By Ms. Cox) Did you just say that it -- we talked about
10 the possible concussion, the swelling in your neck, and
11 aggravation of possible nerve damage in your neck as the
12 injuries you sustained in this incident?

13 A Yes. It affected my spine.

14 Q Any other physical injuries that you believe you
15 sustained in this incident?

16 A No.

17 Q Okay. Paragraph 5.10 also says that you suffered --
18 suffering and mental anguish, correct?

19 A Yes.

20 Q Tell me what suffering and/or mental anguish you
21 experienced as a result of this incident, please?

22 A Where to start. When I hear sirens. When I see a police
23 vehicle. When I see cops. When it's nighttime. It
24 doesn't matter any time of the night, when I hear a car
25 door slam I automatically think it's cops. I think every

1 bald, short, white dude is Christopher Bain. I couldn't
2 even drive for a while because I had a fear of if I get
3 pulled over for speeding or running a red light these
4 cops are going to do the same exact thing to me that they
5 did at the park or even worse. It's really messed up my
6 mental state.

7 Q There were no sirens used in this incident on July 12th,
8 correct?

9 A Correct.

10 Q No car doors slamming?

11 A No.

12 Q You didn't even get in a patrol car, correct?

13 A No.

14 Q You said you are concerned about driving because of the
15 fear of being stopped, correct?

16 A Correct.

17 Q In July of 2020, were you allowed to drive?

18 A Yes.

19 Q Were you not suspended from the April 2020 vehicular
20 assault?

21 A Nope. Was not suspended.

22 Q Your license was unaffected?

23 A My license was still valid.

24 Q So why were you taking a Lyft to work?

25 A I did not have a vehicle.

1 Q Do you have a vehicle now?

2 A Yes.

3 Q For how long did you not have a vehicle in 2020?

4 A From the DUI crash up until July 2020, beginning of July
5 2020 before this incident -- or after this incident.

6 Q So after this incident you got a new car or a different
7 car?

8 A Correct.

9 Q Because you totaled your car in the DUI accident in
10 April, correct?

11 A Correct.

12 Q Okay. Your comments as far as the mental anguish and
13 suffering seems focused on fear of law enforcement; is
14 that a fair restatement of what you are saying?

15 MR. COCHRAN: Objection to form, but
16 go ahead if you can.

17 THE WITNESS: Now, yes, because of
18 that incident.

19 Q (By Ms. Cox) So did you have a fear of law enforcement
20 immediately after this incident?

21 A Absolutely, yes.

22 Q Okay. And does that fear manifest in avoidance?

23 A I don't know what that means.

24 Q Because you are fearful, what does it cause you to do
25 other than not want to drive? What does it cause you to

1 do?

2 A Causes me to be more aware of my surroundings on a daily
3 basis. That's basically it. I got to walk out of a
4 grocery store and I got to stop and scan the parking lot
5 and make sure there's no cop cars, there's no short,
6 white dudes with bald heads. Everywhere I go, this is
7 what it's like 356 days a year. Not being aware of my
8 surroundings could have cost me my life at that part, so
9 now I'm just --

10 Q It could have cost you your life?

11 MR. COCHRAN: Objection to --

12 MS. COX: I couldn't hear him.

13 MR. COCHRAN: Can you please let him
14 finish?

15 Q (By Ms. Cox) I couldn't hear you. Sorry. What did you
16 say?

17 A It could have caused me my life. It is just basically
18 being aware of my surroundings now anywhere I go,
19 anything I do. I don't go anywhere alone if there's not
20 people there. Can't even go to a park without -- if
21 there's no people there. Yeah.

22 Q So you are scanning to make sure you avoid law
23 enforcement officers?

24 A Absolutely.

25 Q Okay. Do you socialize with any law enforcement

1 officers?

2 **A Nope.**

3 Q Have you spoken to any since July of 2020?

4 **A Yes.**

5 Q When?

6 **A When they came to my apartment.**

7 Q When did they come to your apartment?

8 **A 2021.**

9 Q What month?

10 **A August.**

11 Q Why did they come to your apartment?

12 **A Me and my ex were arguing really loud.**

13 Q Who is your ex?

14 **A Kelley Duggan.**

15 Q Okay. And where was your apartment?

16 **A 906 North Pearl Street.**

17 Q Were you still dating Ms. Duggan at the time?

18 **A We were just seeing each other, but not dating.**

19 Q So was it a verbal domestic?

20 **A It was more just trying to buy her a Lyft ride to her**
21 **house basically, and we got loud so that was basically**
22 **it, and officers were called.**

23 Q Who called them?

24 **A We both did.**

25 Q How did you call them?

1 A On my cell phone.

2 Q Okay. You called 911?

3 A Yes. The same officer that arrested me for my DUI was
4 the one that showed up.

5 Q What's his name?

6 A No clue. All I know is he's a black guy.

7 Q So you remembered him from your April 2020 vehicular
8 assault, correct?

9 A Correct. He identified himself.

10 Q And you told him you recognized him, correct?

11 A Yeah. I said you are the guy that arrested me and he
12 said yep.

13 Q And you guys had a chat about it, correct?

14 A No, not exactly a chat about that. A chat about other
15 stuff, but not that incident where my vehicle got
16 totaled.

17 Q What did you chat about?

18 A My job, trying to make sure she gets home safely, and the
19 officer said how? And I said well, I will call her a
20 Lyft ride, which I had been trying to do, and they
21 allowed me to do that and they stayed there until a Lyft
22 came and picked up her and her daughter.

23 Q Did you have any issues communicating with the officers
24 during that encounter?

25 A No. I felt comfortable with that officer because of his

1 interaction with me when I got arrested. He was not
2 violent, not aggressive. He never yelled at me. He was
3 professional to the utmost.

4 Q So some police officers are professional, correct?

5 A Absolutely.

6 MR. COCHRAN: Objection to form.

7 Q (By Ms. Cox) Okay. So that was August 2020 where you
8 called and Ms. Duggan called 911 and officers from Tacoma
9 responded to your residence?

10 A Correct.

11 Q All right. Any other encounters with law enforcement
12 since July of 2020?

13 A Just the officer that arrested me on those warrants from
14 Bellevue to the Puyallup Police Department and then the
15 Lakewood Police Department to the Pierce County Detention
16 Center was the only officers I have had contact with.

17 Q When did Lakewood officers arrest you on the warrant?

18 A I want to say the fall of 2020. I don't know the exact
19 dates.

20 Q How did they locate you?

21 A My vehicle.

22 Q What do you mean?

23 A They just -- they located me in Lakewood and said that I
24 had a felony warrant out for my arrest, and I was unaware
25 of a felony warrant out for my arrest.

1 Q How did they come to contact you in Lakewood?

2 A I think we were having a party at a motel and the cops
3 got dispatched. And I happened to be there and that is
4 how I found out, and so they arrested me and I went to
5 jail.

6 Q Isn't it true you called the cops?

7 A I got the cops called on me -- or no, I called the cops,
8 yeah.

9 Q Yeah. Isn't it true you were at Western Inn in Lakewood?

10 A Yeah.

11 Q And you called the cops because you thought people had
12 stolen your keys or your car?

13 A Correct.

14 Q Lakewood PD responded?

15 A They did.

16 Q Checked you, found out you had a warrant?

17 A They did.

18 Q And you were arrested on the warrant?

19 A Correct.

20 Q This is November 7th, 2020, correct?

21 A Don't know the exact dates, but, like I said, the Fall so
22 if you have the exact dates it's probably true, yes.

23 Q Sounds about right is what you are telling me, right?

24 A Correct.

25 Q So in November of 2020 you called the cops to your

1 location, correct?

2 A Correct.

3 Q All right. How did you come to get arrested by Bellevue
4 PD?

5 A I was doing a Craigslist job for a remodel at a store up
6 there. And I happened to be just sitting at a
7 cop light -- or a stoplight and Bellevue Police pulled up
8 behind me and ran my plates. So as I was turning they
9 turned their lights on and pulled me over.

10 Q Okay. Was that a warrant out of Puyallup?

11 A Correct.

12 Q And was that also in November, November 18th, 2020?

13 A That sounds about right.

14 Q Did you have any problem with the transporting officers
15 from Bellevue to Puyallup?

16 A No. They were very respectful to me.

17 Q All right. And you were able to remain calm throughout
18 the entire transport?

19 A Absolutely.

20 Q In fact, Bellevue transported you to a location where
21 Puyallup picked you up, correct?

22 A They transported me -- what is that, the Super Mall out
23 there in Auburn, and they had the -- a squad car from the
24 Puyallup Police Department waiting for me.

25 Q So both sets of officers, both from Bellevue and Puyallup

1 you had no reaction to?

2 A Not one problem with them.

3 Q Did you have any other contacts with law enforcement
4 after July of 2020 that we haven't already talked about?

5 A No. Just cop cars that have driven by and honked at me
6 and shined their spotlight into my car at nighttime.
7 That's about it.

8 Q How about April 22nd, 2021 where you called South Sound
9 911 to the Tacoma Police Department to respond to help
10 you with your roommate, Norman Braxton, Jr.?

11 A Yeah. I was informed by my landlord at the time to call
12 the police.

13 Q Okay. And, in fact, you called the police and Tacoma
14 police officers responded, correct?

15 A Yes, they did.

16 Q Officer Diaz and Officer Taber, T-A-B-E-R?

17 A I don't remember the names, but, yes, there was two of
18 them.

19 Q And you were waiting outside your residence for them to
20 arrive?

21 A Correct. On the phone with my landlord who instructed me
22 to call 911.

23 Q And when they arrived you explained the problem and then
24 you also asked them to standby while you collected your
25 belongings, correct?

1 A **Correct. Collected my belongings and left.**

2 Q So you were there 20 minutes, give or take, with the
3 officers?

4 A **Yes.**

5 Q Did you have any issues with those officer?

6 A **No. They were very professional.**

7 Q You didn't have any reaction to them?

8 A **No.**

9 Q So if they were to testify they didn't see any fear or
10 anxiety on your part, that would be accurate?

11 A **I had my friends there and I was on the phone with my
12 landlord, so I was not paying attention to the cops.**

13 Q Okay. So if they testified they saw no sign of fear or
14 anxiety, that would be accurate?

15 MR. COCHRAN: Objection to form, but
16 go ahead if you can.

17 **THE WITNESS: Sure. Yes.**

18 Q (By Ms. Cox) All right. Who was the friend who was
19 there?

20 A **Kim.**

21 Q And Kim's last name?

22 A **O'Fhlannery.**

23 Q How do you spell it?

24 A **O-F-H-L-A-N-N-E-R-Y.**

25 Q Who is O'Fhlannery to you?

1 **A** **She was a friend I was seeing. A woman I was seeing for**
2 **a while.**

3 Q Dating seeing, or friend friends?

4 **A** **Just seeing on -- not dating, but just seeing each other,**
5 **hanging out together.**

6 Q Okay. Platonic or otherwise?

7 **A** **Platonic.**

8 MR. COCHRAN: Objection to form, but
9 go ahead.

10 Q (By Ms. Cox) How would we get ahold of Ms. O'fhlannery?

11 **A** **Probably call her.**

12 Q Okay. What's her number?

13 **A** **It's in my cell phone.**

14 Q Okay. Would you provide it, please.

15 MR. COCHRAN: Objection to form. We
16 can talk about this after, but, no, you don't have to
17 pull it up right now. That's not what the deposition is
18 for.

19 MS. COX: The deposition is to collect
20 information on witnesses, and you are wrong to instruct
21 him not to respond. No court will support you on that.

22 MR. COCHRAN: Go ahead, and you can
23 ask him questions and we can deal with this after the
24 deposition.

25 MS. COX: I will note for the record

1 this is an improper objection. You have improperly
2 instructed your client not to answer, which is not
3 condoned or supported by court rules or law.

4 MR. COCHRAN: That's fine.

5 MS. COX: So we will deal with it
6 afterwards, but I will be asking also in written
7 discovery for her phone number, and we will be taking
8 this up with the judge.

9 She's a witness to a subsequent contact with law
10 enforcement after your client has said clearly that he
11 has a fear and avoidance of law enforcement. It's
12 directly relevant.

13 MR. COCHRAN: Are you done?

14 MS. COX: That part is done.

15 MR. COCHRAN: Okay. Proceed.

16 Q (By Ms. Cox) Who was your landlord at the time?

17 A I don't remember a name.

18 Q Well, what was -- the landlord for the residence at that
19 the location?

20 A Yes. She owns the house.

21 Q What's her first or last name?

22 A Do not remember.

23 Q Are you sure?

24 A A hundred percent.

25 Q Do you still have her name or phone number in your phone?

1 **A No, I do not.**

2 Q Do you have a way of locating her name or contact
3 information of any kind?

4 **A How I became a housemate there was through Comprehensive**
5 **Life Resources and they have landlords throughout the**
6 **county where they have a program that gets you into these**
7 **houses in a comprehensive case for these rooms to rent**
8 **from these landlords, so they would have her information.**

9 Q How long were you at that location?

10 **A Probably two months.**

11 Q Back to Exhibit 5, please, Mr. Contreras, Paragraph 5.15
12 on Page 7. Do you see that?

13 **A Just a minute. Yeah.**

14 Q Paragraph 5.15 reads, "Further, Defendant City of Tacoma
15 knew or should have known that Defendant Christopher Bain
16 was prone to using excessive force because of other
17 instances in which Bain's on-duty use of force could be
18 viewed as constitutionally violative."

19 Did I read that right?

20 **A Yeah.**

21 Q Why do you allege that the City of Tacoma knew or should
22 have known that Defendant Christopher Bain was prone to
23 using excessive force?

24 MR. COCHRAN: Objection to form. Go
25 ahead if you can.

1 **THE WITNESS:** Because I Googled his
2 name and found out he was involved in a shooting a year
3 prior to having contact with me.

4 Q (By Ms. Cox) So you found a news story about a prior
5 shooting?

6 A **Yes.**

7 Q And that was the Emmett matter?

8 A **Correct.**

9 Q Did you find anything else?

10 A **At the time that was pretty much all I could find on**
11 **Google search.**

12 Q And Emmett is spelled E-M-M-E-T-T.

13 So is it your understanding that because there's an
14 incident where Officer Bain was required to shoot another
15 citizen that means the City should have known he was
16 prone to using excessive force?

17 MR. COCHRAN: Objection to form. You
18 may answer if you can.

19 **THE WITNESS: Absolutely.**

20 Q (By Ms. Cox) What does prone mean to you?

21 MR. COCHRAN: Objection to form, but
22 go ahead if you can.

23 **THE WITNESS: History. He has a**
24 **history, prone. He -- like people prone to violence**
25 **basically.**

1 Q (By Ms. Cox) Do you think that sometimes there are
2 legally justifiable reasons for an officer to use force,
3 up to and including deadly force?

4 MR. COCHRAN: Objection to form.

5 **THE WITNESS: In certain situations,**
6 **yes.**

7 Q (By Ms. Cox) Were you at the scene of the Emmett
8 shooting?

9 A No, I was not.

10 **THE WITNESS: Oh, man, may I stop you**
11 **for a minute?**

12 MS. COX: Do you need a break?

13 **THE WITNESS: Yeah. I'm going to go**
14 **hit the restroom real quick.**

15 MS. COX: Let's do ten minutes.

16 **THE WITNESS: Too much water.**

17 THE VIDEOGRAPHER: Going off record.

18 Time now is 3:11 p.m.

19 (Recess 3:11 p.m. to
20 3:17 p.m.)
21

22 THE VIDEOGRAPHER: Back on record.

23 Time now is 3:17 p.m.

24 Q (By Ms. Cox) Mr. Contreras, directing your attention to
25 Exhibit 5 again, Paragraph 5.18 on Page 7, do you see

1 that?

2 A Yes.

3 Q So 5.18 reads, "At all times relevant hereto, Plaintiff
4 Zimmeri Contreras was a member of a protected class based
5 upon his race."

6 Did I read that paragraph correctly?

7 A Yes.

8 Q Okay. What protected -- you were a member of a protected
9 class based on your race; is that right?

10 A Yes.

11 Q What do you understand that to mean?

12 MR. COCHRAN: Objection to form, but
13 go ahead if I can.

14 THE WITNESS: That I am an enrolled
15 tribal member of a protected class.

16 Q (By Ms. Cox) Does it mean anything else to you?

17 MR. COCHRAN: Objection to form.

18 THE WITNESS: What do you mean?

19 Q (By Ms. Cox) Just exactly what I said.

20 Does that phrase or that sentence "At all times
21 relevant hereto, Plaintiff Zimmeri Contreras was a member
22 of a protected class based upon his race"?

23 MR. COCHRAN: Objection to form.

24 THE WITNESS: It means what I just
25 answered.

1 Q (By Ms. Cox) Your protected class based on race is due
2 to your enrollment in the -- I forgot the name of the
3 tribe.

4 A **Fort Belknap.**

5 Q Fort Belknap Tribe.

6 A **Indian reservation, yeah.**

7 Q Okay. Can you belong to more -- can you be enrolled in
8 more than one tribe at a time?

9 A **Not to my knowledge.**

10 Q And how much for the Fort Belknap Tribe, how much
11 percentage of Native American do you have to be to be
12 enrolled in that tribe?

13 A **At least 50 percent.**

14 Q Okay.

15 A **To my knowledge.**

16 Q You have touched on it, but I want to ask you just
17 generically, what information do you have that leads you
18 to believe that Officer Bain acted the way he did because
19 of your race, whether Native American or black? What
20 information do you have?

21 A **What information?**

22 Q Yeah.

23 A **Just experience with law enforcement in Montana just
24 coming up to me for no reason aggressively and trying to
25 provoke me. No other way to describe it. Provoke me**

1 **based on the color of my skin.**

2 Q So why do you believe it was based on the color of your
3 skin as opposed to just wanting to provoke you regardless
4 of color?

5 MR. COCHRAN: Objection to form.

6 **THE WITNESS: They wouldn't be there**
7 **if it wasn't about race.**

8 Q (By Ms. Cox) How do you know that?

9 A **Because there was white people in the park and they had a**
10 **description of a black male and a white male. I didn't**
11 **see them messing with any white people there. I was the**
12 **only one getting mistreatment from the law enforcement**
13 **officers.**

14 Q Do you know what the description was of the white male
15 they were looking for?

16 A **Nope. Just a white guy, and there was a lot of white**
17 **people at the park. I didn't see no one else getting**
18 **messed with or no one else get arrested.**

19 Q You weren't aware of the description of the white male
20 they were looking for, were you?

21 A **Nope.**

22 Q So it's possible there was no one matching the further
23 description of the white male in the park; is that true?

24 MR. COCHRAN: Objection to form. Go
25 ahead.

1 THE WITNESS: I don't know what the
2 description was, so I couldn't answer that for you. Just
3 a white male.

4 Q (By Ms. Cox) You didn't have the full description of the
5 white male, did you?

6 A No.

7 Q What is your understanding of the description of the
8 black male they were looking for?

9 A Black shorts, black tank top.

10 Q Okay. Anything else?

11 A He was big and muscular built.

12 Q Anything else?

13 A He had a doo-rag on.

14 Q Okay. Anything else?

15 A He was assaulting people.

16 Q Okay. Fair enough. Anything else?

17 A That was it.

18 Q Would you agree you appear to be a black male?

19 MR. COCHRAN: Objection to form.

20 THE WITNESS: I believe I'm a black
21 male, yeah.

22 Q (By Ms. Cox) Okay. And you would appear that way to
23 others?

24 MR. COCHRAN: Objection to form.

25 THE WITNESS: Yeah.

1 Q (By Ms. Cox) Okay. And you are muscular in appearance?

2 MR. COCHRAN: Objection to form.

3 THE WITNESS: I would like to think

4 so.

5 Q (By Ms. Cox) So you would agree you are muscular in
6 appearance?

7 A I hope so, yes.

8 MR. COCHRAN: Objection to form.

9 Q (By Ms. Cox) Would you agree you were muscular in
10 appearance on July 12th, 2020?

11 MR. COCHRAN: Objection to form.

12 THE WITNESS: Yes, to a point.

13 Q (By Ms. Cox) Okay. Would you agree that the time the
14 officers contacted you you had something on your head?

15 A A hat, yes.

16 Q On your head?

17 A Yes.

18 Q What was it?

19 A A baseball hat.

20 Q How were you wearing it?

21 A I was wearing it backwards.

22 Q Would you agree at the time the officers contacted you
23 you were wearing a tank top?

24 A Yes.

25 Q At the time that officers contacted you you were wearing

1 shorts?

2 A Yes.

3 Q At the time the officers contacted you you were located
4 within Wright Park in Tacoma?

5 A Yes.

6 Q At the time the officers contacted you is the same
7 evening as when they received a reported from the guy who
8 said he was threatened by a black male and a white male,
9 correct?

10 MR. COCHRAN: Objection to form. Go
11 ahead if you can.

12 THE WITNESS: Yes.

13 Q (By Ms. Cox) Do you have any other reason to believe the
14 officers singled you out because of your race --

15 MR. COCHRAN: Objection --

16 Q (By Ms. Cox) -- that you haven't already mentioned?

17 MR. COCHRAN: Apologies. Objection to
18 form.

19 THE WITNESS: Absolutely. Like I
20 said, experience with being targeted because I'm black,
21 yes. That's it. The only reason why.

22 Q (By Ms. Cox) That's a conclusion. I'm asking, what do
23 you have that leads you to that conclusion?

24 MR. COCHRAN: Objection to form.

25 THE WITNESS: Experienced it before is

1 how I came to that conclusion to this is the only reason
2 why these guys are here.

3 Q (By Ms. Cox) Did you not match the description of the
4 black male suspect in any way other than race?

5 MR. COCHRAN: Objection to form.

6 **THE WITNESS: No.**

7 Q (By Ms. Cox) You had something on your head, right? You
8 were wearing a baseball cap?

9 A **Yeah, not even close to doo-rag.**

10 Q You were wearing a tank top?

11 A **Yeah.**

12 Q You were wearing shorts?

13 A **Uh-huh.**

14 Q Is that a yes?

15 A **Yes.**

16 Q And you were in Wright Park?

17 A **Yes.**

18 Q The same night as the incident allegedly happened?

19 A **Uh-huh. Yes.**

20 Q Okay. I want to talk to you about -- you can put Exhibit
21 5 to the side now.

22 After this incident you received healthcare at the
23 Puyallup Tribal Health Authority, correct?

24 A **Yes.**

25 Q Where is that located?

1 A Like street?

2 Q No, just generally.

3 A Oh, here in Tacoma.

4 Q Okay. Did you receive healthcare at that -- at Puyallup
5 Tribal Health Authority before July 12th, 2020?

6 A Yes.

7 Q Okay. Would you say they were your primary healthcare
8 provider at the time of this incident?

9 A Yes.

10 (Exhibit No. 7 marked
11 for identification.)
12

13 Q I will show you what I have marked as Exhibit 7 to your
14 deposition. I will represent to you that it is six pages
15 consisting of a Puyallup Tribal Health Authority chart
16 note dated July 27th, 2020. I am going to hand it to
17 your attorney first. I have a copy if you want one,
18 Loren.

19 MR. COCHRAN: Yes, please. Is this
20 Exhibit 6?

21 MS. COX: Exhibit 7.

22 MR. COCHRAN: Seven, sorry.

23 MS. COX: Exhibit 6 is the email from
24 Kevin Durant.

25 MR. COCHRAN: Yes. My mistake.

1 Q (By Ms. Cox) I can see you have Exhibit 7 in front of
2 you, Mr. Contreras; is that accurate?

3 A Yes.

4 Q Exhibit 7 should consist of six pages. I will represent
5 to you that the front page indicates it's a medical chart
6 note from Puyallup Tribal Health Authority for you, and
7 it's dated July 27th, 2020.

8 Do you see that on the front page?

9 A Yes, I do.

10 Q And it looks like on this occasion you saw Dr. Ashley,
11 A-S-H-L-E-Y, Olson, O-L-S-O-N, a DO. And I can tell that
12 from the last page where they say electronically signed.

13 A On the last page?

14 Q Yes.

15 A Yes, Ashley Olson.

16 Q So on this occasion you went and saw Dr. Olson at the
17 Puyallup Tribal Health Authority, correct?

18 A Correct.

19 Q And you talked to her about what's going on, correct?

20 A Yes.

21 Q Is there any reason why you weren't honest with your
22 doctor?

23 A About what?

24 Q Everything.

25 MR. COCHRAN: Objection to form.

1 Q (By Ms. Cox) When you talk to your doctor, did you relay
2 things to her accurately?

3 A I did.

4 Q I want to direct your attention, please, to the first
5 page under "Assessment and Plan," do you see that?

6 A Uh-huh.

7 Q Is that a yes?

8 A Yes.

9 Q Then go down and there's a number one assessment, and
10 it's below that. It says "Provider plan," do you see
11 that?

12 A Number one or number two?

13 Q Number one.

14 A Number one, yeah.

15 Q To the right of provider plan there on Page 1 it says,
16 "Thrown to ground while handcuffed by police, give or
17 take two weeks ago."

18 Did I read that correctly?

19 A Yes.

20 Q So you told the healthcare provider you were thrown to
21 the ground while handcuffed by police, correct?

22 MR. COCHRAN: Objection to form, but
23 go ahead if you can.

24 THE WITNESS: Nope.

25 Q (By Ms. Cox) You are saying this is not what you told --

1 **A Not accurate.**

2 Q This the not what you told Dr. Olson?

3 **A No. I never told anybody ever about being thrown on the**
4 **ground.**

5 Q Where do you think Dr. Olson got this from?

6 MR. COCHRAN: Objection to form.

7 **THE WITNESS: Pretty much just the**
8 **context of my story, encounter with police, slammed on a**
9 **picnic table.**

10 Q (By Ms. Cox) Okay. So your testimony today is you did
11 not tell Dr. Olson you are thrown to the ground while
12 handcuffed by the police two weeks ago?

13 **A No, I said nothing about ground.**

14 Q You didn't tell her you were thrown to the ground?

15 **A No. I did not.**

16 MR. COCHRAN: Objection to form.

17 Q (By Ms. Cox) Also it says in the same little paragraph
18 three lines down, "Evaluated twice at outside locations
19 since injury."

20 Do you see that?

21 **A Yes.**

22 Q Where were you evaluated?

23 **A MultiCare Health System.**

24 Q Okay. Below that it says, "MRI completed at MultiCare.
25 Report reviewed. Normal findings."

1 Do you see that?

2 **A Yes.**

3 Q So MRI you got at the ER on July 13th showed no new
4 fractures or issues, correct?

5 MR. COCHRAN: Objection to form.

6 **THE WITNESS: No new fractures, but**
7 **the existing fractures.**

8 Q (By Ms. Cox) The MRI showed no -- it showed normal
9 findings regarding your neck, correct?

10 **A Yes.**

11 MR. COCHRAN: Objection to form.

12 **THE WITNESS: With the bones.**

13 Q (By Ms. Cox) What was -- what did you say about the
14 bones?

15 **A Just the bones. Just the prior -- it just showed prior**
16 **pictures of it being fractured. It doesn't look like a**
17 **normal vertebrae that has two cracks in it that have come**
18 **together, came back together.**

19 Q (By Ms. Cox) Can you drop below on the same page under
20 two where it says "Provider plan" again?

21 **A Yeah.**

22 Q It says "HX," which I will represent to you is history,
23 "of multiple concussions in the past -- childhood sports
24 and cage fighter."

25 Did I read that right?

1 A Yes.

2 Q So how many concussions have you had in the past before
3 July 12th, 2020?

4 A Probably maybe two.

5 Q And how did you get those concussions?

6 A Football.

7 Q Did you get any concussions as a cage fighter?

8 A One, that was it.

9 Q Okay. So --

10 A I didn't lose consciousness or nothing.

11 Q So the total is three concussions before July 2020?

12 A No, just two. One in high school and one when I was like
13 20.

14 Q So one in high school football and one as a cage fighter
15 when you were 20?

16 A Yes.

17 Q Okay. What's a cage fighter?

18 A What you see in the UFC.

19 Q I have only glanced, so I'm asking you. What is a cage
20 fighter?

21 MR. COCHRAN: Objection to form, but
22 go ahead.

23 THE WITNESS: People that go in a cage
24 and fight.

25 Q (By Ms. Cox) What kind of fighting?

1 A **Mixed martial arts.**

2 Q So hand to hand?

3 A **Yes.**

4 Q Foot to foot. Foot to body? Hand to body?

5 A **That would be correct.**

6 Q Okay. Padding? No padding?

7 A **No padding.**

8 Q Helmet? No helmet?

9 A **No helmet.**

10 Q For how long did you do cage fighting?

11 A **Probably three years, I want to say. I don't recall**

12 **exactly how long, but roughly three years.**

13 Q Did you do it -- did you make money at it?

14 A **No.**

15 Q Do cage fighters have, for lack of a better word, stage
16 names?

17 A **Yes.**

18 Q What was yours?

19 A **Just Zim. I thought cage names were dumb so they just**
20 **called me Zim.**

21 Q But what did you say it was? I didn't catch it.

22 A **Oh, no, I said they just called me Zim.**

23 Q Okay.

24 A **They just announced me as Zim Contreraz.**

25 Q Because you thought the names -- the mock -- the make up

1 names were silly?

2 **A Yeah. I thought they were silly.**

3 Q Okay. Where did you go the cage fighting?

4 **A Montana. Billings, Montana.**

5 (Exhibit No. 8 marked
6 for identification.)

7

8 Q Okay. I will show what I have marked as Exhibit 8 to
9 your deposition. I'm handing it to your attorney. I
10 will represent to you that Exhibit 8 is a Puyallup Tribal
11 Health Authority chart note dated August 19th, 2020 and
12 it's four pages long.

13 MR. COCHRAN: Do you have another
14 copy?

15 MS. COX: Here you go.

16 MR. COCHRAN: Okay.

17 Q (By Ms. Cox) I see you have Exhibit 8 in front of you,
18 Mr. Contreraz. I will represent to you it looks like a
19 Puyallup Tribal Health Authority chart note for you dated
20 August 19th, 2020.

21 Do you see that information in the first page of
22 Exhibit 8?

23 **A Yeah. Yes.**

24 Q It looks like on the bottom of the page where it
25 describes history of present illness that you came in for

1 shortness of breath; is that right?

2 A Yes.

3 Q Okay. Directing your attention to Page 2 of the chart
4 note at the top.

5 A Next page?

6 Q Yes.

7 A All right.

8 Q It says, "Did get tested today. Was negative. Reports a
9 history of partial collapsed lung in the past. History
10 of cage fighting, assault by police, last was six weeks
11 ago," and then it goes on from there.

12 Did I read that portion correctly?

13 A Yes.

14 Q Okay. So it says assaults, plural, by police, with the
15 last being six weeks ago.

16 How many times have you been assaulted by police
17 officers?

18 A That was the second time.

19 Q What was the first time?

20 A Montana, handcuffed and resisted and slammed me up
21 against a wall. Put me back in the patrol car.

22 Q Sorry. What was that the last part?

23 A Put me in the back of a patrol car.

24 Q Where in Montana did this happen?

25 A Bozeman, Montana.

1 Q And how old were you?

2 A 21, 22 roughly.

3 Q Were you charged with any crime?

4 A Disorderly and resisting.

5 Q Was this one of the disorderlies you talked about earlier
6 in your deposition?

7 A Correct.

8 Q Did you mention resisting earlier?

9 A I do not recall.

10 Q What happened to those charges?

11 A I had to spend three days in jail and do a day of county
12 work cleaning the courthouse and that was it. Didn't
13 have to pay a fine. No long repercussions from it.

14 Q What police agency were the officers from?

15 A Bozeman Police Department.

16 Q The city police department?

17 A Yes.

18 Q And what exactly was the assault on you?

19 A Getting me in handcuffs and slamming me up against the
20 wall instead of just taking me to their patrol car.

21 Q What were you doing just before they slammed you up
22 against the wall?

23 A Standing there talking with people, some of my friends
24 outside.

25 Q Anything else?

1 **A** **No. I wasn't doing anything malicious. No criminal**
2 **activity. None of that.**

3 **Q** So you weren't doing anything illegal?

4 **A** **No.**

5 **Q** Did you do anything that threatened or caused concern to
6 the officers for their safety or safety of others?

7 MR. COCHRAN: Objection to form, but
8 go ahead if you can.

9 **THE WITNESS: No.**

10 **Q** (By Ms. Cox) So they slammed you up against a wall in
11 handcuffs for no reason?

12 **A** **I think I was loud. Just left the bar drinking and then**
13 **I'm in handcuffs so just trying to figure it out.**

14 **Q** So you believe you have been assaulted by police officers
15 twice in your lifetime, and the first in Bozeman, Montana
16 when you were 21, and the second one here in Tacoma in
17 July of 2020?

18 **A** **Correct.**

19 **Q** Have there been any other occasions where you believed
20 you were assaulted by police officers?

21 MR. COCHRAN: Objection to form, but
22 go ahead if you can.

23 **THE WITNESS: No.**

24 (Exhibit No. 9 marked
25 for identification.)

1
2 Q (By Ms. Cox) I would like to show you what I have marked
3 for your deposition as Exhibit 9. I will represent to
4 you that it's the ATI Physical Therapy Medicaid initial
5 evaluation plan of care dated January 29th, 2021. I am
6 going to hand it to your attorney to give to you.

7 MR. COCHRAN: Do you have another
8 copy? Thank you.

9 Q (By Ms. Cox) So you have Exhibit 9 in front of you, Mr.
10 Contreras. And I will represent to you, like I said,
11 it's the ATO Physical Therapy chart note for your care
12 from January 29th, 2021. It consists of two pages. It
13 appears to be signed by a physical therapist by the name
14 of Katelyn Eschbach. K-A-T-E-L-Y-N, and last name
15 E-S-C-H-B-A-C-H.

16 Did you, Mr. Contreras, get care for your injuries
17 from this incident at ATI Physical Therapy?

18 A I did, yes.

19 Q And do you remember physical therapist Katelyn Eschbach
20 at all?

21 A Katelyn, yes, I remember.

22 Q Do you have any reason to doubt that you were seen at ATI
23 on January 29th, 2021?

24 A Do I have any reason to doubt I was there?

25 Q Correct.

1 A I have no reason to doubt I was there.

2 Q Okay. So I am going to direct your attention to the
3 front page, the first page, the second block says
4 "Assessment," do you see that?

5 A Yeah.

6 Q And I will direct you to the right side of that box where
7 it says in really tiny print "Nature of injury," do you
8 see that?

9 A Yes.

10 Q It says, "Patient reports summer 2020 was approached by
11 multiple police officers and put in handcuffs. One of
12 the officers pushed him backwards into a bench."

13 Did I read that note correctly?

14 A Yeah.

15 Q So it looks like to me you told the physical therapist on
16 January 29th, 2021, that one of the officers pushed you
17 backwards into a bench. Any reason to doubt this is what
18 you told the physical therapist?

19 MR. COCHRAN: Objection to form. Go
20 ahead if you can.

21 THE WITNESS: Yes, I doubt that.

22 Q (By Ms. Cox) You don't believe you told the physical
23 therapist this?

24 A I never said pushed.

25 Q You never said pushed into a bench?

1 A Never said pushed into a bench.

2 Q What did you tell this physical therapist about the
3 mechanism of injury?

4 A Pulled down from behind onto a picnic table, and my head
5 got whiplash off the picnic table and that's why I'm here
6 today with prior neck injuries before this.

7 Q It doesn't that in Exhibit 9, does it?

8 A No.

9 Q Okay.

10 (Exhibit No. 10 marked
11 for identification.)
12

13 Q I am going to show you what I have marked as Exhibit 10.
14 And I will hand it to your attorney first. This is
15 Exhibit 10 to your deposition. I will reflect to you
16 that this is another Puyallup Tribal Health Authority
17 chart note dated January 26th, 2021, and it is six pages.

18 MR. COCHRAN: Do you have another copy
19 for me?

20 MS. COX: You think I would get it
21 down by now.

22 MR. COCHRAN: Thank you.

23 THE WITNESS: What do I say if I'm
24 objecting to this one?

25 MS. COX: I couldn't hear.

MR. COCHRAN: He say if he's objecting to that and I said nothing. It's your deposition.

THE WITNESS: Yeah, that's --

MR. COCHRAN: That's okay if she doesn't ask a question.

Q (By Ms. Cox) So Exhibit 10, you have had a chance to look at it. And, again, it's a Puyallup Tribal Health Authority chart note for your visit with -- you can look at the last page, with Dr. Winnie Tsai, D.O. Winnie, W-I-N-N-I-E. Tsai, and I may be mispronouncing it, T-S-A-I.

Do you see down on the last page, Mr. Contreraz?

A Yeah.

Q Okay. Directing your attention to Page 2 of this chart note, first of all, do you have any reason to doubt you went to Puyallup Tribal Health Authority to seek healthcare on January 26th, 2021?

A I was there.

Q Okay. So let's turn to Page 2 under History of Present Illness.

A That one?

Q Yes.

A These aren't numbered.

Q Just the second page.

A Oh.

1 Q Do you see under History of Present Illness, it says
2 One, neck pain"?

3 A Yeah.

4 Q Okay. Then drop down to the next paragraph that kind of
5 pushes out further to the margin. It starts with
6 "Zimmeri is a 35-year-old male," do you see that?

7 A Yes.

8 Q In fact that sentence says, "Zimmeri is a 35-year-old
9 male with PMH C1-C3 fracture in 2012 in an ATV accident
10 while intoxicated."

11 Did I read that sentence correctly?

12 A Yeah.

13 Q It says, "He was paralyzed temporarily, had an ICU stay
14 and recovered."

15 Did I read that correctly?

16 A Yes.

17 Q Next sentence, "On July 12th, 2020, 7:33 p.m., PT,"
18 patient, "was on a park bench in Wright Park when he was
19 confronted by police and placed in handcuffs."

20 Did I read that correctly?

21 A Yes.

22 Q His head was slammed on a metal table and he suffered
23 whiplash as his head bounced off and hit the ground."

24 Did I read that sentence correctly?

25 A Yes.

1 Q So it looks like on January 26th, 2021 you told the
2 doctor your head was slammed on a metal table, and you
3 had whiplash as your head bounced off and hit the ground.
4 Your head did not hit the ground during this
5 encounter, correct?

6 A **Correct.**

7 Q If you turn to the next page under "Education,
8 Employment, and Occupation," I have a quick question for
9 you there under "Marital status, family, and social
10 support," do you see that section?

11 Do you see that section, that part?

12 A **Top right?**

13 Q Yes. Go down a little further where it says under
14 Employment it says, "Driver Cascade Millworks, sales
15 Tacoma Dodge," and then it has in capital letters
16 "Marital status, family, social support," do you see
17 that?

18 A **Yeah.**

19 Q Drop down five or six lines and it says, "The patient
20 lives with others: cousin," do you see that?

21 A **Yes.**

22 Q And underneath that it says in parentheses, One of my
23 female friends, unquote, correct?

24 A **Correct.**

25 MR. COCHRAN: Objection to form.

1 Q (By Ms. Cox) So it looks like as of January 26th, 2021
2 you were living with a relative?

3 A I was homeless.

4 Q So why did you say you lived with other, cousin?

5 A Because it's embarrassing to tell people you are
6 homeless.

7 Q Okay. So you told the healthcare provider your living
8 situation was something that it wasn't?

9 A Yes.

10 MR. COCHRAN: Objection to form. Go
11 ahead.

12 THE WITNESS: Yes. It was
13 embarrassing to say I'm homeless?

14 Q (By Ms. Cox) And when did you become homeless?

15 A October 2021.

16 Q And for how long --

17 A Or 2020.

18 Q I'm sorry. October 2020?

19 A Correct.

20 Q And for how long did you remain homeless?

21 A I remained homeless until I started going to Greater
22 Lakes and Comprehensive Life Resources got ahold of me
23 and got me in a hotel, and then that's how I ended up on
24 the east side at that apartment, or the house where the
25 cops were called.

1 Q With Braxton?

2 A With Braxton, correct.

3 Q So you were homeless for less than a year, correct?

4 A No. Homeless prior to that, but starting at Tacoma Dodge
5 is where I got the money to live at that place, which is
6 like by Tacoma Avenue. It's just like one of those you
7 pay \$350 a week. It's like a hotel type of thing.

8 Q Okay.

9 A And I stopped working at Tacoma Dodge and ran out of
10 money to be able to live there so I was sleeping in my
11 car.

12 Q You predicted my next question. I was going to ask you
13 what type of homeless. So you were living in your car?

14 A Correct.

15 Q Were you living at -- spending the night or using the
16 shower at anyone's house on a regular basis?

17 A I was using -- it was during Covid. The gyms were still
18 closed. I was taking showers at the Rescue Mission on my
19 bunch breaks or -- yeah, taking showers.

20 Q At the mission?

21 A Yes.

22 (Exhibit No. 11 marked
23 for identification.)
24

25 Q I want to show you what I have now also marked as Exhibit

1 11 to your exhibit -- I mean, your deposition. I am
2 going to show your counsel.

3 I will represent to you this is an external document
4 in the Greater Lakes Mental Healthcare records for you
5 scanned into the Greater Lakes Mental Healthcare. It's
6 actually the Behavioral Health Administration Outpatient
7 Competency Program Transition Plan. The larger agency is
8 DSHS.

9 I see you have that in front of you. I will
10 represent to you this is two pages. Well, it's two
11 pages, but for some reason there's a lot of blanks in it,
12 so a total of four but two blank pages. Do you have
13 that, Mr. Contreraz?

14 A Yes.

15 Q This is a -- it looks to be a report drafted by a
16 forensic navigator by the name of Michael Donovan, you
17 can see on the front page?

18 A Yes.

19 Q It appears that the intake date above that is February
20 4th, 2021, correct?

21 A Yes.

22 Q Okay. Do you know Michael Donovan?

23 A I do know Michael Donovan.

24 Q How do you know him?

25 A Because he was -- when the -- I think it's called the

1 superior court in Tacoma where they were processing the
2 DUI thing, they are the ones that sent me to Greater
3 Lakes and then this guy was assigned to me.

4 Q Like your facilitator?

5 A Like forensic navigator. I don't even know what that
6 means still.

7 Q Let me ask you a question. What did he do for you?

8 A He escorted me to court, and was in contact with
9 attorneys to make sure I don't miss court dates and end
10 up in jail again or with a warrant out for my arrest.

11 Q So let me make sure I understand what happened with the
12 vehicular assault that occurred in April of 2020. You
13 were charged with vehicular assault initially, correct?

14 A Yes.

15 Q That's a felony?

16 A Correct.

17 Q And it was -- the cause of that, or the facts supporting
18 that was you caused an accident that injured another
19 driver seriously, and your blood alcohol was .19,
20 correct?

21 MR. COCHRAN: Objection to form.
22 Answer if you can.

23 THE WITNESS: Correct.

24 Q (By Ms. Cox) All right. And when you went to court you
25 indicated you were not able to assist in your criminal

1 defense, correct?

2 **A What does that mean?**

3 Q Did you have to get a competency evaluation?

4 **A Yes.**

5 Q Okay. You had to get two of them, right?

6 **A I don't remember. I think one was with -- I don't**
7 **remember two. I remember one was with my attorney and**
8 **Zoom with some lady.**

9 Q You were evaluated to see if you were competent to assist
10 your attorney in defending yourself in the criminal
11 action, correct?

12 **A Yes.**

13 Q And the initial evaluation in January of 2021 concluded
14 you were not able to assist in your defense at that time,
15 correct?

16 **A Correct.**

17 Q And the court, superior -- Pierce County Superior Court
18 ordered that you participate in a program to restore your
19 competency, correct?

20 **A Correct.**

21 Q And that's what you started doing in February of 2021; is
22 that right?

23 **A Yeah.**

24 Q And part of that restoration program required you to
25 attend services at Greater Lakes Mental Health, correct?

1 A Yes.

2 Q Had you gone or attended any services or partaken of any
3 services at Greater Lakes Mental Healthcare before the
4 vehicular assault?

5 A No. I never heard of them.

6 Q Okay. So in this report it appears on Page 2 that Mr.
7 Donovan, under other information states, "Mr. Contreraz
8 goes by Zim."

9 Do you see that?

10 A Yes.

11 Q "He had severe PTSD from an assault by multiple Tacoma
12 police officers."

13 Did I read that right?

14 A Yes.

15 Q Okay. "He at first declined housing," and I'm reading in
16 this first paragraph. "He declined housing at Tacoma
17 through F-HARPS. However, it became apparent he was
18 concerned that because I would be making the referral to
19 F-HARPS, and since work in the courts and since the
20 courts are connected to the police, he was afraid police
21 officers would be alerted as to where he lives and would
22 rather -- would either checking up on him, spying on him,
23 or planning to hurt him. When I realized this was his
24 fear, I was able to assure him I would not be sending
25 police officers to his house and he agreed to work the

1 F-HARPS."

2 Did I read that paragraph correctly?

3 A Yes.

4 Q Okay. So the second paragraph Mr. Donovan explains
5 escorting you somewhere, I believe. He says, "When we
6 left court he was so hypervigilant you could feel his
7 anxiety and fear. I asked if I could walk with him to
8 his car. At first he declined, but I offered again and
9 convinced him to let me. There was an emergency right on
10 our way, and police were standing right in our path. We
11 walked between officers and he had a very clear fear
12 reaction that he said can sometimes make him sick. He
13 also very aware of the fact that police in general do not
14 attend well to their own biases, and he was able to
15 articulate his frustration with being racially profiled.
16 I told him that although I would most likely would not be
17 able to change the culture as a whole in the police
18 system, he would at least have some relief from the more
19 severe symptoms of PTSD, such flashbacks and
20 hypervigilance he's currently experiencing. He may also
21 benefit from some kind of anti-anxiety medication, or at
22 least a PRN. Overall he is very independent, but we may
23 find out he also overextends himself."

24 Did I read that paragraph correctly?

25 A Yeah, you missed a sentence, but, yes.

1 Q Which sentence did I miss?

2 A No, you are right. I misread.

3 Q Okay. So you told Mr. Donovan that you had PTSD, severe
4 PTSD by from an assault by multiple police officers,
5 correct?

6 MR. COCHRAN: Objection to form. Go
7 ahead.

8 THE WITNESS: Yes.

9 Q (By Ms. Cox) Were you assaulted by multiple police
10 officers?

11 A Two different times, yes.

12 Q I'm sorry. What did you say?

13 A Two different times, yes.

14 Q What two different times?

15 A Bozeman, Montana and Wright Park.

16 Q It says here you were assaulted by multiple Tacoma police
17 officers. My question for you -- I guess I should be
18 more specific with you.

19 Were you assaulted by multiple Tacoma police
20 officers or just one?

21 A One.

22 Q So after you worked with Mr. Donovan and Greater Lakes
23 Mental Healthcare, did you eventually -- were you
24 eventually able to get your vehicular assault charges
25 reduced?

1 A No.

2 Q No?

3 A No. I had three or four different attorneys during
4 Covid. My first attorney got pregnant and didn't hear
5 from her for eight months. And then it was another guy
6 and then another one, so they didn't really work my case,
7 and they just had me sign papers and got convicted.

8 Q What were you convicted of?

9 A Felony vehicular assault.

10 Q Okay. And how were you sentenced?

11 A In a court.

12 Q Did you get --

13 A Yeah, I was in a court.

14 Q Did you get a standard range sentence, or did you get an
15 exceptional sentence?

16 A I don't know what those mean.

17 Q What kind of sentence did you get for your conviction?

18 MR. COCHRAN: Objection to form.

19 THE WITNESS: I got a felony on my
20 record.

21 Q What kind of symptoms did you get?

22 MR. COCHRAN: Objection to form.

23 THE WITNESS: Twelve months of
24 community supervision.

25 Q (By Ms. Cox) Did you get any jail or prison?

1 A I was in jail for a week on the felony warrant when the
2 Lakewood police arrested me, and then when I got
3 sentenced, the judge gave me 12 months of community
4 probation, which a week later when I showed up to sign up
5 for the probation they said the judge dismissed it.

6 (Exhibit No. 12 marked
7 for identification.)
8

9 Q I'm showing your counsel what has been marked as Exhibit
10 12 to your deposition. I will represent to you it's the
11 Pierce County Superior Court criminal cause number
12 20-1-02604-4, Stipulated Findings of Fact and Conclusions
13 of Law for Exceptional Sentence Below the Standard Range.

14 MR. COCHRAN: Can you give me a copy?

15 Thank you.

16 Q (By Ms. Cox) I see you have that in front of you, Mr.
17 Contreraz?

18 MR. COCHRAN: This is Exhibit 12?

19 MS. COX: Yes, I believe so.

20 Q (By Ms. Cox) I will represent to you that it's three
21 pages. Take a look at it, Mr. Contreraz, and I have some
22 questions for you.

23 A All right.

24 Q Have you had a chance to look at the Stipulated Findings
25 of Fact and Conclusions of Law for Exceptional Sentence,

1 Mr. Contreras?

2 **A Yeah.**

3 Q I'm sorry?

4 **A Yes.**

5 Q All right. So this is a Stipulated Findings of Fact and
6 Conclusions of Law for Exceptional Sentence Below the
7 Standard Range. It relates to your criminal case arising
8 out of the vehicular assault in April 2020. Does that
9 make sense to you?

10 MR. COCHRAN: Objection to form. Go
11 ahead if you can.

12 **THE WITNESS: Yes.**

13 Q (By Ms. Cox) Look at Page 1, the bottom paragraph
14 titled, "Findings of Fact." Do you see that title?

15 **A Yep.**

16 Q Okay. So right below it it says, "The defendant pled
17 guilty the an amended information charging him with
18 felony driving under the influence-priors, on August 4th,
19 2021."

20 Did I read that sentence correctly?

21 **A Yes.**

22 Q Okay. Turning to Page 2 at the top it says, "The
23 standard range for a felony driving under the
24 influence-priors is three to nine months incarceration."

25 Did I read that correctly?

1 A Yes, you did.

2 Q So you were originally charged with vehicular assault,
3 correct?

4 A Yes.

5 Q The prosecutors filed -- after your competency process,
6 filed an amended information charging you instead with
7 felony driving under the influence-priors, correct?

8 A Yes.

9 Q So a different charge, right?

10 A Yeah. I don't know what amended means.

11 Q Just updated.

12 A Oh, yes.

13 Q So in the end you pled guilty to felony driving under the
14 influence with priors, correct?

15 A Yes.

16 Q You did not plead guilty to vehicular assault?

17 A That's what I thought I pled guilty to.

18 Q So the standard range for sentencing for prison for a
19 felony driving under the influence, according to this
20 stipulation, appears to be three to nine months
21 incarceration, correct?

22 MR. COCHRAN: Objection to form.

23 Answer if you can.

24 THE WITNESS: Yes, I see it right here
25 at the top.

1 Q (By Ms. Cox) Did you do three to nine months in jail or
2 prison?

3 A No, I did not.

4 Q And, in fact, if you go down the same page, Roman numeral
5 two, it says, "The parties agree and stipulate under RCW
6 9.94A.535 that considering the purposes of the Sentencing
7 Reform Act, there is substantial and compelling reasons
8 justifying an exceptional sentence."

9 Did I read that sentence right?

10 A Yes.

11 Q The next sentence reads, "The Defendant has mental health
12 issues and underwent a competency evaluation in January
13 2021. The Defendant was found not competent to proceed
14 with the case, and in February 2021 the Defendant was
15 ordered to undergo competency restoration."

16 Did I read it right so far?

17 A Yes, you did.

18 Q It goes on to say, "That process was completed in May
19 2021. Through the competency restoration process the
20 Defendant gained insight and understanding into his
21 mental health and how best to cope with issues in the
22 future. An exceptional sentence will be consistent with
23 and in furtherance of the interest of justice and the
24 purposes of the Sentencing Reform Act."

25 Did I read that correctly?

1 A Yeah. Yes.

2 Q Okay. So did you ever go get treatment at Greater Lakes
3 Mental Healthcare after May 2021?

4 A No.

5 Q Did you ever seek mental healthcare anywhere, even other
6 than Greater Lakes Mental Healthcare after May of 2021?

7 A Puyallup Tribal Authority.

8 Q Okay.

9 MR. COCHRAN: When you get a chance,
10 can we take a quick two-minute break, bathroom break?

11 MS. COX: Yes, give me a few here.

12 MR. COCHRAN: Okay.

13 Q (By Ms. Cox) So reading this Stipulated Findings of Fact
14 and Conclusions of Law in Exhibit 12, it appears that
15 one, the charge which you were originally charged with
16 was reduced or changed to felony driving under the
17 influence-priors. That standard range jail prison term
18 was reduced because you went to Greater Lakes Mental
19 Healthcare and did their program, correct?

20 MR. COCHRAN: Objection to form. Go
21 ahead if you can.

22 THE WITNESS: I don't remember ever
23 being told that but, yes.

24 Q (By Ms. Cox) Okay. When you went to Greater Lakes
25 Mental Healthcare you told the treatment providers there

1 that your main issue was PTSD from the assault on
2 January -- or July 12th, 2020, correct?

3 **A Yes.**

4 MR. COCHRAN: Objection to form.

5 Q (By Ms. Cox) Paragraph -- Roman numeral three on the
6 same page says, "Because of the presence of the above
7 factors, the parties' agreement, and considering the
8 purposes of the Sentencing Reform Act, an exceptional
9 sentence below the standard range, as set by the
10 Sentencing Reform Act, is appropriate."

11 Did I read that correctly?

12 **A Yes.**

13 Q (By Ms. Cox) Okay. So by saying that you had PTSD from
14 this assault in Wright Park on July 12th, 2020, you were
15 able to get -- tell a court that was handling your
16 vehicular assault that you were not competent to assist
17 in your defense because of the PTSD, then you went and
18 got treatment at Greater Lakes Mental Healthcare for that
19 PTSD with the result that the court reduced your charges,
20 correct.

21 **A Incorrect.**

22 MR. COCHRAN: Objection to form.

23 Q (By Ms. Cox) Did you say correct?

24 **A Incorrect.**

25 Q What's incorrect about that?

1 MR. COCHRAN: Objection to form.

2 THE WITNESS: I ended up there because
3 I did not know any court terms. I didn't know what to do
4 basically in a court lingo, language, present myself, all
5 that stuff. I never asked to go there. I was sent
6 there.

7 Q (By Ms. Cox) You were sent there to restore your
8 competency so you could face your criminal charges,
9 correct?

10 A Yes.

11 Q And once you did that your criminal charges were changed
12 and your sentence reduced, correct?

13 MR. COCHRAN: Objection to form. Go
14 ahead if you can.

15 THE WITNESS: Like I said, I was not
16 aware that I was going to get a lower sentence than a
17 higher sentence if I went to this place. I was just
18 instructed because I already had warrants out and
19 arrested before for not going to court, so if the court
20 said to do it, I do it. So I went there, yes.

21 Q (By Ms. Cox) You went there, and you did get a reduced
22 sentence, didn't you?

23 MR. COCHRAN: Objection to form, but
24 go ahead.

25 THE WITNESS: I don't know a felony

1 was a reduced sentence, but, yes, I ended up with a
2 felony.

3 Q (By Ms. Cox) The reduced sentence refers to the fact you
4 didn't do any jail or prison time other than when you
5 were arrested on the warrants, correct?

6 MR. COCHRAN: Objection to form.

7 THE WITNESS: Yes.

8 Q (By Ms. Cox) Okay. And, in fact, the last couple
9 question, Exhibit 12, on the last page you signed this
10 stipulation?

11 A Yeah.

12 Q Okay. So you were in court when this was done, and you
13 signed this stipulation?

14 A Yeah. My attorney told me to sign this. He doesn't want
15 to see me -- what did he say? He didn't want to see
16 me -- I can't think of the proper term, appeal this
17 decision in the next 30 days or 45 days or however long
18 it was. He said to sign this so I signed it.

19 Q You just did it because he told you?

20 A Absolutely. He was my attorney. That's what he gets
21 paid for.

22 Q You treat attorneys different than law enforcement
23 officers, correct?

24 MR. COCHRAN: Objection to form.

25 Q (By Ms. Cox) You can answer.

1 MR. COCHRAN: You can answer if you
2 can.

3 THE WITNESS: I don't talk to many
4 attorneys, so -- or many officers. Treat everyone how
5 they treat me.

6 MS. COX: Okay. We can take a break.
7 How long would you like?

8 MR. COCHRAN: Two minutes.

9 THE VIDEOGRAPHER: Going off record.
10 Time now is 4:08 p.m.

11 (Recess 4:08 p.m. to
12 4:14 p.m.)
13

14 THE VIDEOGRAPHER: Back on record.
15 Time now is 4:14 p.m.

16 Q (By Ms. Cox) Mr. Contreras, if you don't mind put that
17 exhibit we were just looking at to the side.

18 A Okay.

19 (Exhibit No. 13 marked
20 for identification.)
21

22 Q I would like to show you what I'm marking as Exhibit 13.
23 I will represent to, as I hand it to your counsel, that
24 it's another chart note from Greater Lakes Mental
25 Healthcare dated February 4th, 2021, and it's six pages

1 total. I see you have that in front of you, Mr.

2 Contreras, correct?

3 **A Correct.**

4 Q And you did get healthcare, mental healthcare at Greater

5 Lakes like we talked about, correct?

6 **A For the competency hearing stuff, yes.**

7 Q Okay. And do you have any reason to believe you did not

8 see mental healthcare counselor Julianne Stephens, first

9 name spelled J-U-L-I-A-N-E, last name Stephens,

10 S-T-E-P-H-E-N-S, on the date of this chart note, February

11 4th, 2021?

12 **A I do not remember names but, yes, I was there.**

13 Q Okay. So I will direct your attention to the bottom

14 third of the page where in bold it says "current" -- on

15 the first page it says "current"?

16 **A Yeah.**

17 Q And in bold it says, "What are your current mental health

18 concerns slash symptoms? How long have these been

19 occurring." Correct?

20 **A Yes.**

21 Q Let's jump down -- well, actually, I will read the whole

22 thing. It says, "In 2012, I was in a four-wheel accident

23 and broke two bones in my neck. I was doing good until

24 last July."

25 Did I read it correctly so far?

1 A Yes.

2 Q Then it says, "I'm sitting at Wright Park after work just
3 enjoying the sunset. It is beautiful there. Then I
4 noticed like a police car in the grass. It was weird,
5 though, because they would have had to drive through the
6 grass. Then suddenly I was surrounded, at first by two,
7 then by like nine. They handcuffed me and pushed me to
8 the ground. I got whiplash and hit my head on the
9 concrete."

10 Did I read that correctly so far?

11 A Yes.

12 Q Okay. Then it says, "Now I'm in physical therapy twice a
13 week. I had a concussion too. I start OT next week. I
14 am constantly worried about seeing police cars or short,
15 bald white men. I wake up because I hear sirens. I get
16 like five hours of sleep. He said he would kill me.
17 They called me stupid. When I hear car doors I jump.
18 When I was in court last I almost threw up. I can't be
19 confined without having an exit, my heart racing. I
20 start breathing hard, sweaty hands."

21 Did I read all of that correctly?

22 A Correct.

23 Q And you can see most of this is in quotation marks,
24 correct?

25 A Yeah.

1 Q And that signifies the -- Ms. Stephens is writing down
2 your exact quotes, correct?

3 MR. COCHRAN: Objection to form.

4 THE WITNESS: I do not believe she was
5 writing my exact words down.

6 Q (By Ms. Cox) Why not?

7 A Because a lot of these are not my exact words. The dates
8 are one day, and then the time is different on the next
9 day, so no one is actually sitting there like physically
10 next to me writing stuff down as I'm saying it at that
11 moment.

12 Q Do you remember you said you didn't remember actually
13 meeting Ms. Stephens, correct?

14 A They had a lot of counselors. I met a lot of counselors
15 there, correct.

16 Q Do you remember Ms. Stephens?

17 A If I saw her face, I would, yes.

18 Q Do you remember her as you sit there now?

19 A No. I remember a bunch of black ladies, white ladies,
20 and those were the counselors there.

21 Q But I did read her note correctly, right?

22 A Yeah. I don't remember some of this. I don't even say
23 the words like -- yeah, some of these are not true.

24 Q What's not true?

25 A I don't talk like I get like five hours of sleep a night.

1 I don't talk like that. I just said I get five hours of
2 sleep a night. I never said anything about somebody
3 killing me, but they did call me stupid. Everything else
4 is pretty much correct on here.

5 Q Even where you tell Ms. Stephens I hit my head on the
6 concrete?

7 A No. I never said concrete.

8 Q It's written there, though, isn't it?

9 A Yes.

10 MR. COCHRAN: Objection to form.

11 THE WITNESS: I never said concrete
12 anyway to anybody.

13 Q (By Ms. Cox) And then it says they handcuffed me and
14 pushed me to the ground, do you see that?

15 A Yep.

16 Q Did you say that?

17 A Nope. Did not say that.

18 Q You think Ms. Stephens will testify otherwise?

19 MR. COCHRAN: Objection to form.

20 THE WITNESS: I have no idea.

21 Q (By Ms. Cox) So the next section says in bold, "How are
22 they impacting your life?"

23 And it says in quotations repeatedly, "I'm scared.

24 I can't do things I used to like take walks at Point

25 Ruston. If I see a cop I freak out. I feel like I'm in

1 fear every time I see a police car. I was at the gym and
2 the police came. I stayed at the gym until they left,
3 and then called the gym like four times to see why they
4 were there. I thought they were there for me."

5 Did I read that section accurately?

6 **A Correct.**

7 **Q So is that true, if you saw a cop you would freak out?**

8 **A Yes.**

9 **Q This is you talking to Ms. Stephens on February 4th,**
10 2021, correct?

11 MR. COCHRAN: Objection to form. Go
12 ahead if you can.

13 **THE WITNESS: Yes. I don't remember**
14 **talking or having an exact conversation with Ms.**
15 **Stephens. It was years ago. What is it? It looks like**
16 **almost four years ago, so I don't know exact words I was**
17 **saying.**

18 **Q (By Ms. Cox) Today, as you sit here, you are denying**
19 **that you told Ms. Stephens you were pushed to the ground**
20 **and hit your head on concrete?**

21 **A Yes.**

22 **Q You didn't say that at all?**

23 **A No, I did not say that at all.**

24 **Q Are you sure?**

25 **A Hundred percent sure.**

1 MR. COCHRAN: Objection to form.

2 Q (By Ms. Cox) Mr. Contreras, when was the last time you
3 or anyone on your behalf communicated with Seth Smith?

4 A Years ago.

5 Q Okay. Do you know where he lives?

6 A No idea.

7 Q Do you know where he works?

8 A Nope.

9 Q How about Ms. Wade, when was the last time you
10 communicated with her in any fashion?

11 A Years ago.

12 Q Do you know where she lives?

13 A No.

14 Q Do you know where she works?

15 A Nope.

16 Q Are you Facebook friends with Mr. Smith?

17 A I am.

18 Q And what do you know about him from Facebook?

19 A Not much.

20 Q What do you know?

21 A That he's a tattoo artist. When people post stuff it
22 shows up in your timeline so that's all I know is tattoos
23 and stuff he's posted like that.

24 Q Have you ever communicated with him through social media?

25 A One time.

1 Q So when was that?

2 A I don't know. A month after that happened.

3 Q What was that communication about?

4 A I asked him if it's normal that I'm paranoid 24/7 of
5 cops, or of cops getting me, something along those lines.

6 Q Were you ever paranoid of cops before July 12th, 2020?

7 A No.

8 Q Were you Facebook friends -- did you become Facebook
9 friends with Mr. Smith before or after July 12th, 2020?

10 A After.

11 Q How about Ms. Wade, are you Facebook friends with her?

12 A No.

13 Q Have you ever been?

14 A I have not spoken or contacted her since the night of the
15 incident.

16 Q Well, I thought you saw them the next day?

17 A Or that was it, yeah, but Facebook friends, no. Don't
18 got cell phone numbers, that's it, just Seth Smith on my
19 Facebook.

20 Q Other than Mr. Smith and the statements of the private
21 investigator guy, do you have any recorded or written
22 statements of any kind from either Mr. Smith or Ms. Wade?

23 A No, I do not personally have anything.

24 Q You had described your injuries as concussion, a swelling
25 of your neck, which resolved in about three weeks, and

1 you said it aggravated some original nerve damage from
2 breaking your neck. The swelling you said resolved.
3 When did the concussion resolve?

4 MR. COCHRAN: Objection to form. Go
5 ahead.

6 THE WITNESS: The medication they gave
7 me for vomiting and muscle relaxers for my neck, and I
8 want to say a couple weeks at least, roughly.

9 Q (By Ms. Cox) How about the nerve issue that you
10 mentioned.

11 A It's still ongoing. It took me eight years to heal from
12 my last one.

13 Q What are the current symptoms?

14 A Neck pain, just always having to sort of pop my neck.

15 Q Anything else?

16 A Just sleeping on it. 365 days a year I wake up with neck
17 pain.

18 Q Okay. Other than neck pain, do you have any other
19 symptoms related to what you believe was an aggravation
20 of the nerve injury?

21 A Migraines. I get those every couple months.

22 Q Did you ever get migraines before July 12th?

23 A No. I had no history of it.

24 Q And who is treating you for migraines?

25 A I take migraine, Excedrin migraine. I take a couple of

1 those and just sit at home for a couple days. That's how
2 I resolve it with self-care.

3 Q So Excedrin over the counter, right?

4 A Now, yes. At first the doctors were prescribing me
5 medication.

6 Q For how long have you been taking over-the-counter
7 medication for migraines?

8 A Since July 2020 or since the incident. I would say
9 probably 2021 I started.

10 Q Sorry. Go ahead?

11 A I started taking Excedrin migraine.

12 Q Did you have any headache complaints before July 12th,
13 2020?

14 A No.

15 Q Isn't it true you had headache complaints after your
16 vehicular assault accident in April of 2020?

17 A Just had a left arm injury.

18 Q You didn't complain about headaches?

19 A No.

20 Q Your testimony is you had no complaint about headaches or
21 migraines before July 12th, 2020?

22 MR. COCHRAN: Objection to form. Go
23 ahead.

24 THE WITNESS: Just when I got
25 concussions in my younger days. That was it. Up until

1 **that point 15 years, no.**

2 Q (By Ms. Cox) Okay.

3 **A No major headaches.**

4 Q I didn't say major, I said headaches. Let's make it
5 clear, headaches for which you sought healthcare. So
6 before July 12th, 2020, did you ever seek healthcare for
7 headaches or migraines?

8 **A No.**

9 Q Never?

10 **A No.**

11 Q Except when you were in high school with football?

12 **A Yes.**

13 Q And you are saying not even associated -- no headaches,
14 no migraines associated with the car accident from April
15 of 2020 where you destroyed your vehicle?

16 MR. COCHRAN: Objection to form. Go
17 ahead.

18 **THE WITNESS: I think I had a headache**
19 **from that night from slamming my head on the steering**
20 **wheel, and that took a couple weeks to go away.**

21 Q The tingling in your arms and hands that you noticed the
22 day after when you went to work was it bilateral or was
23 it one sided?

24 **A It was -- I don't even know what that means, bilateral.**

25 Q Both sides.

1 A Oh, yeah, it was both sides up and down.

2 Q Isn't it true before July 12th, 2020 you complained to
3 healthcare providers about at least left-sided neck pain
4 and left-sided tingling and numbness in your upper
5 extremity or in your arm?

6 A From the car accident.

7 Q So you did complain about that before July 12th, 2020,
8 correct?

9 A Just my left arm, yes.

10 Q Okay. How about your left neck?

11 MR. COCHRAN: Objection to form.

12 THE WITNESS: The night of the
13 incident or the car crash, yes, I did complain just about
14 the air bags hitting me and that was it.

15 Q (By Ms. Cox) So you only treated -- you are saying you
16 only treated for your left-sided neck pain once the day
17 of the car crash in April of 2020?

18 A They evaluated my neck. It was more my left arm that was
19 more -- that they were more focused on diagnosing.

20 Q Who was your primary healthcare provider for the injuries
21 from July 12th, 2020?

22 A The Puyallup Tribal Clinic. The thing is there they
23 don't assign you a resident doctor. They have a lot of
24 different doctors you see every other time you go there.

25 Q But the Puyallup Tribal Health Authority is your primary

1 healthcare provider for the injuries in July 2020?

2 **A Yes.**

3 Q When was the last time you sought any treatment from a
4 healthcare provider for the symptoms or injuries from
5 this incident?

6 **A I do not remember.**

7 Q So I think you testified earlier that you were just doing
8 self-care; is that correct?

9 **A Yeah, self-care. That's just me now with just Excedrin**
10 **migraine and the neck exercises.**

11 Q And for how long have you been doing self-care alone or
12 by itself, I should say?

13 **A I don't remember. I want to say this year and last year**
14 **for sure.**

15 Q So for about a year at least?

16 **A Yes, a year at least.**

17 Q Do you believe or expect you are going to need treatment
18 in the future from injuries -- for the injuries from July
19 2020?

20 MR. COCHRAN: Objection to form. Go
21 ahead and answer if you can.

22 **THE WITNESS: Depends.**

23 Q (By Ms. Cox) Depends on what?

24 **A If the neck pain still continues on a daily basis for the**
25 **next couple years then I'm probably going to see if the**

1 fusion neck surgery is something I can look at to help
2 resolve my neck pain.

3 Q Has any healthcare provider told you you are going to
4 need treatment in the future for these injuries?

5 A If -- they have said if it continues in the future.

6 Q And that future healthcare, have they told you the need?

7 A Just basically come back if the problems continue to
8 exist.

9 Q Has any healthcare provider said that you need
10 specifically future healthcare because of the injuries
11 you sustained in July of 2020 at Wright Park?

12 MR. COCHRAN: Objection to form.

13 THE WITNESS: I do not remember. It
14 was years ago.

15 Q (By Ms. Cox) Have you had any surgeries in your
16 lifetime?

17 A Yes.

18 Q How many?

19 A Two.

20 Q What were they?

21 A Surgery on my jaw for a broken jaw.

22 Q And what was the other surgery?

23 A Another part of my jaw that was broken.

24 Q How old were you when those -- you had those surgeries?

25 A It was the same night that -- it was the same night I got

1 hit with the beer mug from the back and hit with the beer
2 bottle in the face, so the same week I had surgery in
3 2010.

4 Q Okay. So the same incident where you were assaulted and
5 struck in the head you sustained a broken jaw?

6 A This was later. I got hit with a beer bottle. Yeah, I
7 want to say maybe 2012 I had surgeries on my jaw from a
8 beer bottle.

9 Q So was the strike at the back of your head in the bar a
10 different assault than when you were struck in the front
11 of the face?

12 A Correct.

13 Q Two different assaults?

14 A Yes.

15 Q And how old were you for both of those assaults?

16 A I don't remember. They were both over ten years ago,
17 between 10 and 15 years ago, 10 and 13 years ago.

18 Q So two surgeries, on both occasions they were related to
19 a broken jaw?

20 A Correct. I had to have my jaw wired shut.

21 Q Did you break your jaw twice?

22 A It broke in two spots, right here, and right there.

23 Q Any other surgeries you haven't already testified about?

24 A No.

25 Q How often do you get migraines?

1 A Every three or four months.

2 Q How long do they last?

3 A Half a week.

4 Q Do they keep you from doing anything you normally do?

5 A Everything. Work, everything. Daily activities, normal
6 daily activities, go to work and whatever else.

7 Q Why do they keep you from going to work?

8 A Because just your brain pulsating and really everything
9 is really bright on your eyes and you got to sit there
10 like that, and just makes me want puke a lot -- vomit a
11 lot, sorry, so that's basically it. It's like a pounding
12 headache sensation.

13 Q When was the last time you saw a healthcare provider for
14 migraines?

15 A The year that happened, 2020.

16 Q Okay. Is the frequency what you are getting migraine
17 increasing or decreasing?

18 A It's about -- I think it's -- it feels like I get them a
19 lot more.

20 Q More often?

21 A Yeah. I had one a month, month and a half ago and didn't
22 work for a couple days.

23 Q How do the injuries that you are still experiencing or
24 the symptoms from those injuries that you are still
25 experiencing keep you, if at all, from doing your

activities of daily living or daily life?

A My ability to physically function is cut way short. The vomiting, dizziness, puking, it's hard to get up and go to work, go to the gym, do anything.

Q How often does it alter your typical activities of daily living?

A At least half a week.

Q Half a week every week?

A No. When I get the migraines it's just that week when I'm basically just miserable. And it goes away and then I just got the neck pain. Neck pain will make my esophagus swell, hard to swallow. I haven't had that in probably two weeks, three weeks. That lasts maybe a week and then goes away. It's just if I turn my head and neck wrong that's when -- that's when I get the swelling in my esophagus, so that just makes it hard to swallow water, swallow food, so I usually don't eat for a couple days. Even drinking water is hard. It hurts.

Q Did your esophagus swell before July 12th, 2020?

A No. It never swelled shut before when I was -- when I first broke it. It almost swelled shut when I was in the ICU. I believe they had to put a tube down my throat to help me breathe and I was on a respirator.

Q So it only swelled shut the first time you broke your neck?

1 A Yeah.

2 Q You are still going to the gym, right?

3 A I try to.

4 Q You are still playing basketball?

5 A Try to.

6 Q Sorry?

7 A Try.

8 Q You try?

9 A Yeah, I try. The days I don't have neck pain, days I
10 don't have a headache I try to go out and be healthy and
11 stuff, yes.

12 Q You are still playing football?

13 A No.

14 Q I just saw in your medical records in the last year you
15 were in there saying you were playing football and might
16 have injured your knee?

17 A Yeah, I don't play anymore. That was it after that. I
18 didn't play anymore.

19 Q Because of your knee injury?

20 A Yeah. I had a knee injury since high school.

21 Q Okay. I may have asked you so I apologize. Were you
22 getting any kind of mental health treatment or counseling
23 before January 12th, 2020?

24 A Yeah, I was getting counseling. Yes.

25 Q And where were you getting counseling?

1 A Puyallup Tribal Clinic and Northwest Indian Treatment
2 Center.

3 Q Is Northwest Indian Treatment Center the one in Elma,
4 Washington?

5 A Correct.

6 Q And were you getting mental health treatment at Puyallup
7 Tribal Health Authority or Northwest Indian Treatment
8 Center before your April 2020 vehicular assault incident?

9 A Yes.

10 Q What were you -- why were you getting mental health care
11 before April 2020?

12 A All related to the Cascade Millwork driving in Washington
13 traffic and just really stupid drivers out there that
14 just make me angry, so it was just -- I didn't want to
15 show up to work every day, just not looking forward to
16 making money and working, being mad about what stupid guy
17 is going to decide to cut me off in this big 30-foot
18 truck today, so I went and tried to get anger management
19 classes.

20 Q So you got mental health counseling before April 2020
21 because it -- primarily for anger management?

22 A Yes.

23 Q How about between April 2020 and this incident on July
24 12th, 2020 were you still getting counseling at Puyallup
25 Tribal Health and Northwest Indian Treatment Center?

1 A I was up until Covid, and that is when they stopped the
2 counseling because of Covid. And then during Covid is
3 when I went to the Indian Treatment Center, Northwest
4 Indian Treatment Center.

5 Q Was Northwest Indian Treatment Center inpatient?

6 A Yes.

7 Q And that was for alcohol --

8 A Yes.

9 Q -- use, correct?

10 A Correct.

11 Q Have you had lifelong challenges with alcohol?

12 A Yes.

13 Q How many inpatient stays have you had for alcohol?

14 A That was the first and only.

15 Q Okay. And that was after the vehicular assault in April
16 of 2020, correct?

17 A Correct, within the first 30 days of that.

18 Q Have you had any inpatient or outpatient alcohol
19 treatment since Northwest Indian Treatment Center?

20 A Outpatient with the Puyallup Tribal Authority.

21 Q Okay. Had you ever sought healthcare -- had you ever
22 believed you needed any kind of intervention for anger
23 management before 2020?

24 A Did I personally think?

25 Q Yes.

1 A I personally thought I did before 2020, that's why I
2 enrolled in anger management classes.

3 Q Mr. Contreraz, do you have any chronic health conditions
4 we haven't already touched on, and usually these are the
5 things that you are dealing with chronically, like
6 diabetes, GERD, or heartburn, that kind of stuff.

7 Do you have any chronic health conditions we haven't
8 touched on?

9 A Heartburn.

10 Q Do you take medication for that?

11 A On a daily basis.

12 Q Any other health conditions or chronic health conditions?

13 A Just the breathing problems with my lung from being
14 collapsed.

15 Q It's not collapsed now?

16 A No.

17 Q Okay. When did it collapse?

18 A Maybe 2011, I want to say.

19 Q Was there an actual cause or did it just spontaneously
20 collapse?

21 A My friend kneed me in the ribs playing flag football, my
22 teammate. I dove for someone's flag and I was rolling
23 around on the ground and he tried to jump over me coming
24 the same direction, and he's like a six-two, 320-pound
25 guy, so he didn't get very high off the ground and his

1 knee went into my ribs and that's how I got those
2 fractured ribs and collapsed lung.

3 Q Okay. I may have it backwards, did you injure your knee
4 playing basketball in the last year or two?

5 A No, I was playing football. I tried to play football. I
6 signed up for a league, ten game league, and I made it
7 maybe two games. I already had injuries.

8 Q I have a note that you injured your calf playing
9 football, does that ring a bell?

10 A Yeah, my calf and my knee. I thought I tore muscles in
11 it, and had knee problems since football in high school.
12 Yeah.

13 Q Do you recall when you suffered both injuries, when you
14 suffered the knee injury?

15 A I want to say one of those two games.

16 Q Which is what year?

17 A Last game?

18 Q Yes.

19 A Yeah, it was last June.

20 Q Last June you said?

21 A Or last June, 2022.

22 Q Okay. How about the injured calf?

23 A Same one maybe.

24 Q Are you claiming you lost wages as a result of this
25 incident in Wright Park?

1 **A Yeah.**

2 Q How much?

3 **A I don't recall.**

4 Q Describe for me what you think you lost?

5 **A I lost out -- that's just it. You have different cars**
6 **that are different commission prices when you sell them.**
7 **They are not all the same commission prices. So you can**
8 **sell a Jeep and a truck. Those can be two different**
9 **commission prices, so it's hard to say an exact number.**

10 Q How would you explain what your wage loss is because
11 that's what you are going to have to do? How would you
12 explain what it is?

13 MR. COCHRAN: Objection to form. Go
14 ahead if you can.

15 **THE WITNESS: I wasn't able to sell**
16 **cars. That was it.**

17 Q (By Ms. Cox) And what did that amount to?

18 MR. COCHRAN: Objection to form, but
19 go ahead if you can.

20 **THE WITNESS: The cars I didn't sell**
21 **because I wasn't able to work.**

22 Q (By Ms. Cox) Did you lose \$5,000 due to injuries from
23 Wright Park as far as wages go?

24 **A Yeah. I lost -- yes. I lost wages from not being able**
25 **to work, yes.**

Q How are you going to show how much you lost?

MR. COCHRAN: Objection to form.

THE WITNESS: From what I was making prior to this incident.

Q (By Ms. Cox) So if we look at your Tacoma Dodge pay records, as well as your federal tax records for the year before and/or the month before, we should be able to figure out generally what you might have been able to make in July of 2020?

MR. COCHRAN: Objection to form. Go ahead if you can.

THE WITNESS: Back to my original statement, all the vehicles are priced differently, so I cannot say what I was going to sell and make and not make. I have never got that opportunity.

Q (By Ms. Cox) What did you make the month before at Tacoma Dodge? What did you make in the month of June 2020?

A Eleven thousand dollars.

Q And how would you show that?

A It's all there in their records.

Q How much did you make the month before?

A I was in treatment. Car dealerships were all shut down in May.

Q So you have no records as to what you might have made in

1 the three months before June because of Covid?

2 MR. COCHRAN: Objection to form. Go
3 ahead if you can.

4 THE WITNESS: Personally, I don't have
5 pay stubs and W2s on me from years prior, but they have
6 it on record. I think I'm -- I think I may have -- no, I
7 don't know if I have the actual pay stubs and W2s for tax
8 returns.

9 Q (By Ms. Cox) Well, how long were you unable to work as a
10 result of the events in Wright Park?

11 A Oh, around 65, 70 days.

12 Q When were you able to return to work?

13 A September 2020.

14 Q And remind me where you went back to work?

15 A I don't know the exact day.

16 Q No. I'm sorry. Where did you go back to work?

17 A Oh, Tacoma Dodge.

18 Q How much lodger did you last there?

19 MR. COCHRAN: Objection to form, but
20 go ahead if you can.

21 THE WITNESS: A week maybe. I don't
22 know. It was years ago. I don't recall.

23 Q (By Ms. Cox) And you are saying you were not fired or
24 terminated, it was an agreed agreement between the two of
25 you, the employer and you?

1 A It was more, sign these papers. You haven't sold a car
2 in 70 days is what I remember the GM saying, and he was
3 Danny Pena, the manager I was talking about earlier is
4 the one that brought me into Steve Crosetti's office and
5 that's what I was told, so I signed papers and that was
6 it.

7 Q Had you ever sold cars before you worked at Tacoma Dodge?

8 A No.

9 Q So that was your first car sales position?

10 A Correct.

11 Q Where were you working in July of 2021?

12 A Mountain Construction.

13 Q You were working in construction?

14 A Yeah.

15 Q For who?

16 A Mountain Construction.

17 Q Oh, sorry.

18 A Yeah.

19 Q Did you lose any employment opportunities independent of
20 your wage loss because of the injuries from this
21 incident?

22 A Absolutely. I would still be at Tacoma Dodge if it
23 wasn't for that incident.

24 Q Any other employment opportunities that you lost?

25 A Every job I have had up until now I can't focus.

1 Q You can't focus, why?

2 A Constantly thinking about cops 24/7. When I'm working at
3 the gym, doing anything, always thinking about cops.

4 Q Did you ever apply to be a law enforcement officer at any
5 time in your life?

6 A No.

7 Q Did you get arrested for obstruction or obstructing a
8 fight in Washington in March of 2016?

9 A Yeah, I think so.

10 Q Tell me about that, please.

11 A What exactly happened? I think there was an altercation
12 and the cops came.

13 Q What kind of altercation?

14 A I think my brother and some people got in an argument and
15 I was defending my brother and cops came and I got
16 arrested. That was it.

17 Q Were you drinking?

18 A I was.

19 Q Okay. And is this one of your three brothers that lives
20 in Seattle?

21 A Yes.

22 Q How did the cops treat you during that encounter?

23 A They were cool and arrested me and drove me around
24 Puyallup and Fife while I smoked cigarettes, talked, and
25 then took me to jail.

1 Q Why did they drive around and let you smoke cigarettes?

2 A They smoked cigarettes because they are tribal cops,
3 that's what they do. They drove around for a minute. I
4 was handcuffed the whole time just watching them smoke
5 cigarettes and drove around and then they took me to
6 jail, but they were nice about it. They didn't assault
7 me or get rough with me or nothing.

8 Q Which tribe?

9 A Puyallup. So it wasn't actually the Fife cops that
10 arrested me. It was the tribal cops because it was on
11 the casino property, BJ's Casino.

12 Q Okay.

13 (Exhibit No. 14 marked
14 for identification.)
15

16 Q I'm showing your counsel, and then he will give it to
17 you, what I have marked as Exhibit 14. I will represent
18 to you is a packet of documents. I think it's nine pages
19 from the Crime Victims Compensation Program with the
20 state of Washington. This was also Exhibit 5 to a
21 30(b)(6) deposition of Lieutenant G. J. Roberts of the
22 Tacoma Police Department.

23 I see you have Exhibit 14 in front of you, Mr.
24 Contreraz. I will give you a moment to look at i, all
25 right?

1 MS. COX: We will be off the record
2 until he's had a chance to look at it.

3 (Recess 4:54 p.m. to
4 4:55 p.m.)
5

6 Q (By Ms. Cox) So you had a chance to look at Exhibit 14,
7 the Crime Victims Compensation Program documents related
8 to your claim, have you not?

9 A Yeah.

10 Q Okay. So it looks like from looking at Page 1 of Exhibit
11 14, that on or about August 19th, 2020 you applied for
12 crime victims compensation; is that right?

13 A I did.

14 Q What did you ask for?

15 A I didn't ask for anything. The doctor is the one that
16 had me fill it out. I never knew about the program until
17 I got to the emergency room and the doctor is the one
18 that brought me this paperwork to fill out.

19 Q Okay. So the emergency room on July 13th, 2020, those
20 healthcare providers gave you the forms to fill out for
21 the Crime Victims Compensation Program?

22 A Correct.

23 Q What was your understanding of what you were applying
24 for?

25 A They said I was going to miss work for it. And they

1 asked me what I did and I said I sell cars and I wasn't
2 able to type on the computer and stuff this morning, and
3 they are the ones that brought me the crime victims thing
4 because they said I was going to be missing work for a
5 while.

6 Q Was there any other reason why you agreed to make an
7 application or a claim with the Crime Victims
8 Compensation Program?

9 A Just got out of Covid. Didn't make a single penny
10 because the car dealerships were shut down, unemployment
11 was ending, yeah.

12 Q How did you make the application?

13 A How did I make the application? I didn't make anything.
14 They already had it and handed it to me and explained
15 what it was.

16 Q So they gave you the paper and you filled it out?

17 A Yes.

18 Q And then what did you do with it?

19 A The doctor took it.

20 Q You learned you could do this from the healthcare
21 providers from the emergency room on July 13th?

22 A Yes. They are the ones that presented me with that. I
23 never seen or heard of the victims crime thing.

24 Q Okay. So it looks like on August 20th the personnel from
25 the Crime Victims Compensation Program sent you a letter

1 saying they needed more information; is that correct?

2 A I don't remember.

3 Q Okay.

4 A I don't think I even had a -- I think I didn't have a

5 mailing address so I don't think I saw it.

6 Q Okay. I am going to direct your attention to the second

7 to last page, the bottom right-hand corner has your name,

8 Contreraz, and a Bates number 00057. And the mailing

9 date up in the upper right corner is October 15th, 2020,

10 do you see that?

11 A Yeah. That's my address right there. I had a mailbox at

12 the time.

13 Q So it says 216 Puyallup Avenue, No. 104 in Tacoma,

14 correct?

15 A Correct.

16 Q That was your address then?

17 A That was my mailing address, correct.

18 Q Okay. So you got mail there?

19 A Yes.

20 Q And this letter is addressed to you from Mary Peters, the

21 claims manager, says that your claim was denied because

22 they were not able to confirm that crime was reported to

23 law enforcement. If it was reported, please provide me a

24 copy of the report, do you see that the middle paragraph?

25 A Yes.

1 Q And the first paragraph says, "The law requires a crime
2 victim to file a report with law enforcement within 12
3 months of the crime, or within 12 months of when the
4 crime could reasonably be reported."

5 Did I read that correctly?

6 A Yes.

7 Q So after you got this letter -- well, let me ask you
8 this. It was mailed to you, did you get it?

9 A Now that you say that, I think I got it.

10 Q Okay.

11 A I want to say. It was a while ago.

12 Q Okay. Did you file a report?

13 MR. COCHRAN: Objection to form, but
14 go ahead if you can.

15 THE WITNESS: I filed the complaint.

16 I wasn't aware that I was supposed to file a report.

17 Q (By Ms. Cox) Okay. After you got this letter from the
18 Crime Victims Compensation Program, did you follow up on
19 your August 27, 2020 email to TPD-IA?

20 A No because I thought they were supposed to contact me
21 about my complaint. I didn't know I was supposed to call
22 them or anything. I wasn't aware of how it worked.

23 Q Okay. So I will direct your attention to two pages in
24 front of that, which is Bates stamped in bottom
25 right-hand corner with your name, 00055. And it says

1 "Activity log." I will hold until you get there.

2 **A The last page?**

3 Q No, it's three or four pages from the last. It's in the
4 middle of the packet. Look on the bottom right-hand
5 corner for Contreraz with the number 00055.

6 **A Oh, yeah, I found it.**

7 Q Okay. On the top it says "Activity log"?

8 **A Yeah.**

9 Q Okay. And the create date on this note at the bottom
10 says September 1st, 2020, right?

11 **A Where are you seeing that? Oh, right there. Yeah.**
12 **Sorry. My bad.**

13 Q So it looks like September 1st, 2020 this activity log
14 was created, correct?

15 **A Yeah.**

16 Q Okay. And it looks like under contact name it says CV, I
17 will represent that's probably you, but we can talk about
18 that, CV calls hotline in response to crime info letter.
19 CV alleges being a victim of an assault. Named Tacoma PD
20 Officer Christopher Bain as the offender."

21 Did I read that right?

22 **A Yeah.**

23 Q "Says he suffered a head injury, concussion, and missed
24 six weeks of work."

25 Did I read that right?

1 A Yeah.

2 Q Crime date, July 12th, 2020, 7:30 p.m. at Wright Park,
3 501 South I Street, Tacoma, Washington 98405, did I read
4 that right?

5 A Yes.

6 Q It says, "Further, according to CV an unnamed Tacoma PD
7 sergeant was also on scene and said he would write a
8 report of the incident but CV was not provided a report
9 number."

10 Did I read that right?

11 A Yes, you did.

12 Q "CV also says he sent an email to Tacoma PD Internal
13 Affairs last Tuesday, August 25th, 2020 at the direction
14 of his attorney."

15 Did I read that right?

16 A Yes.

17 Q Okay. So first question, based on this phone
18 conversation that you apparently had with personnel at
19 the Crime Victims Compensation Program on September 1st,
20 2020, you said you suffered a head injury and a
21 concussion, correct?

22 A Yeah.

23 Q You mentioned nothing about your back, correct?

24 A Yeah, my back was fine.

25 Q Okay. You also told them that it was an unnamed Tacoma

1 Police Department sergeant who was on scene, correct?

2 A Yeah.

3 Q You knew the police sergeant's name was Jepson, correct?

4 MR. COCHRAN: Objection to form. Go
5 ahead if you can.

6 THE WITNESS: Only from a video. I
7 didn't remember his name after the conversation at the
8 park.

9 Q (By Ms. Cox) You saw the video, though, at least once
10 before September 1st, 2020, didn't you?

11 MR. COCHRAN: Objection to form.

12 THE WITNESS: Yeah, but I wasn't
13 paying attention to his name.

14 Q (By Ms. Cox) So you told the Crime Victim folks that it
15 was an unnamed sergeant, but you did know his name at one
16 point?

17 MR. COCHRAN: Objection to form. Go
18 ahead.

19 THE WITNESS: I know his name from the
20 video, yes.

21 Q (By Ms. Cox) And you are in possession of the video of
22 September 1st, 2020, correct?

23 A Yes.

24 Q And you took the video, right?

25 A Yeah.

1 Q Okay. And you said you told the Crime Victims
2 Computation Program person on September 1st, that that
3 sergeant, Sergeant Jepson said he would write a report of
4 the incident but you were not provided a report number;
5 is that correct?

6 A I never said that, correct.

7 Q You never said this to the Crime Victim Compensation --

8 A No. I never said he was going to write a report.

9 Q Well, where do you think this call receiver got it from?

10 MR. COCHRAN: Objection to form.

11 THE WITNESS: Asking questions and I
12 was answering. I never said any report was filed.

13 Q (By Ms. Cox) Okay. Did you say that Sergeant Jepson or
14 this unnamed sergeant would write a report?

15 A Nope.

16 Q Did you say you weren't provided a report number?

17 A Nope. I never -- I said I got nothing from them and all
18 I did was file a complaint and send it to them and I got
19 no response.

20 Q You also apparently told the same person that you sent an
21 email to Tacoma PD Internal Affairs last Tuesday, August
22 25th, 2020 at the direction of his attorney.

23 Are you admitting or denying you made that statement
24 to Crime Victims Compensation Program personnel who took
25 your call?

1 MR. COCHRAN: Objection to form. And
2 if it relates to a conversation that you and I had, I
3 instruct you not to answer.

4 But with regard to the question that counsel just
5 asked, if you recall saying that go ahead and answer.

6 Q (By Ms. Cox) For the record, I'm not asking for your
7 conversations with counsel. I think I was pretty clear,
8 did you tell the Crime Victims Compensation Program call
9 receiver who took this note that you sent an email to
10 Tacoma PD Internal Affairs last Tuesday, August 25th,
11 2020, at the direction of your attorney?

12 A I do not remember the conversation. It was years ago.

13 Q Okay. So you don't remember whether you said this or
14 not?

15 A I don't remember --

16 MR. COCHRAN: Objection to form.

17 THE WITNESS: -- our conversation we
18 had on the phone. I can't even tell you the guy's name.
19 I didn't even know it was Daniel Gonzalez until I'm
20 looking at it right now.

21 Q (By Ms. Cox) So if Daniel Gonzalez took these notes
22 based on a phone conversation with you on September 1st,
23 2020, and his notes say you told him that you sent an
24 email to Tacoma Police Department Internal Affairs last
25 Tuesday, August 25th, 2020 at the direction of your

1 attorney, you don't remember this so you can't challenge
2 Mr. Gonzalez, correct?

3 MR. COCHRAN: Objection to form. Go
4 ahead if you can.

5 THE WITNESS: I told him I sent -- I
6 never -- I don't remember if I told him that -- I
7 remember telling him I sent something to Internal
8 Affairs. I said I sent it in an email. I have attorneys
9 representing me now, and I don't remember if I said that
10 the sergeant said he was going to write a police report.

11 Q (By Ms. Cox) Okay.

12 A Because he asked me if I had a police report number, and
13 I said I never got anything yet. I haven't had a call
14 back or anything.

15 Q So now you remember that part of the conversation,
16 correct?

17 MR. COCHRAN: Objection to form.

18 THE WITNESS: Now that we are talking
19 about it, I don't remember word for word. It was years
20 ago.

21 MR. COCHRAN: Counsel, do you have an
22 estimation of when you will be done?

23 MS. COX: Let me finish this line of
24 questioning and I can give you an estimate.

25 Q (By Ms. Cox) So, Mr. Contreraz --

1 MR. COCHRAN: Well, hold on a second.
2 I'm just asking for an estimate. It's past --

3 MS. COX: Let me finish, please. I'm
4 right in the middle.

5 MR. COCHRAN: Okay.

6 Q (By Ms. Cox) Mr. Contreraz, it looks like on September
7 1st, 2020, based on this activity log drafted by
8 apparently Daniel Gonzalez at the Crime Victims
9 Compensation Fund, you told them you sent an email to
10 Tacoma PD Internal Affairs last Tuesday, August 25th,
11 2020, correct?

12 A I remember telling him I sent something to Internal
13 Affairs.

14 Q Okay.

15 A And I did say I have a law firm representing me.

16 Q Okay.

17 A I didn't say my law firm told me to send it. I just said
18 I have a law firm representing me.

19 Q You remember that specifically?

20 A He asked if I was represented by any attorneys, and I
21 said I have a law firm representing me.

22 Q So back to the email that I'm asking you about, it looks
23 like you told Crime Victims Compensation Fund that you
24 emailed Tacoma PD Internal Affairs on Tuesday, August
25 25th, 2020, but your email, which is Exhibit 6 to your

1 deposition, is dated August 27, 2020. Can you explain
2 the discrepancy?

3 MR. COCHRAN: Objection to form.

4 THE WITNESS: Probably still dealing
5 with all the head trauma, not being in a clear state to
6 think properly.

7 Q (By Ms. Cox) As you are making statements to people
8 about a claim for benefits, correct?

9 MR. COCHRAN: Objection to form.

10 THE WITNESS: That happened to me,
11 yes. It physically impacted my ability to think
12 properly. I was thinking to the best of my knowledge.

13 MR. COCHRAN: Okay. Now can we go to
14 time out?

15 MS. COX: Yes. I have one more
16 question on this line and we can take a break and make
17 sure there's nothing left. Hopefully, there won't be
18 much.

19 Do you have a time constraint other than we have
20 been here for a while?

21 MR. COCHRAN: Seven hours under the
22 federal rule does not include breaks. I'm estimating we
23 are at about half an hour in total breaks.

24 MS. COX: Maybe more than we have been
25 off the record while he's reviewing materials.

1 MR. COCHRAN: Well, that's not a break
2 if he's reviewing the materials.

3 MS. COX: But arguably we get some of
4 that time back.

5 MR. COCHRAN: I think 5:30 would a
6 fair estimate.

7 MS. COX: I'm trying. I'm trying.

8 Q (By Ms. Cox) So, Mr. Contreras, I think the last letter
9 that the Crime Victims Compensation Program sent you we
10 talked about it looks like it's dated October 15th, 2020.
11 It's the second to the last page, Bates stamp Contreras
12 00057.

13 After they denied your claim in the letter, did you
14 ever reach out to the Crime Victims Compensation Program
15 again?

16 A I do not remember.

17 MS. COX: Okay. So can we take a
18 ten-minute break and see where we are at? I'm hoping we
19 are close to done, if not done.

20 MR. COCHRAN: Sure.

21 THE VIDEOGRAPHER: Going off record.
22 Time now is 5:09 p.m.

23 (Recess 5:09 p.m. to
24 5:17 p.m.)
25

1 MS. COX: We have no further
2 questions.

3 MR. COCHRAN: No questions.
4
5

6 (Signature reserved.)

7 (Deposition concluded
8 at 5:18 p.m.)
9
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A F F I D A V I T

I, ZIMMERI CONTRERAZ, hereby declare under penalty of perjury that I have read the foregoing deposition and that the testimony contained herein is a true and correct transcript of my testimony, noting the attached corrections.

ZIMMERI CONTRERAZ

Date: _____

1 STATE OF WASHINGTON) I, Christy Sheppard, CCR, RPR,
2) ss a certified court reporter
3 County of Pierce) in the State of Washington, do
4 hereby certify:

5 That the foregoing deposition of ZIMMERI CONTRERAZ was
6 taken before me and completed on December 4, 2023, and
7 thereafter was transcribed under my direction; that the
8 deposition is a full, true and complete transcript of the
9 testimony of said witness, including all questions, answers,
10 objections, motions and exceptions;

11 That the witness, before examination, was by me duly
12 sworn to testify the truth, the whole truth, and nothing but
13 the truth, and that the witness reserved the right of
14 signature;

15 That I am not a relative, employee, attorney or counsel
16 of any party to this action or relative or employee of any
17 such attorney or counsel and that I am not financially
18 interested in the said action or the outcome thereof;

19 That I am herewith securely sealing the said deposition
20 and promptly delivering the same to Kimberly J. Cox.

21 IN WITNESS WHEREOF, I have hereunto set my signature on
22 December 10, 2023.

23 _____
24 /s/Christy Sheppard, CCR, RPR
25 Certified Court Reporter No. 1932
(Certification expires 05/06/24.)

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B&A Litigation Services
2208 North 30th Street, Suite 202
Tacoma, WA 98403
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Date: December 10, 2023

To: Loren A. Cochran
Cochran Douglas
2501 Fawcett Avenue, Tacoma, WA 98402

Case: CONTRERAZ v. CITY OF TACOMA
Cause No.: 3:22-cv-05106
Deposition of: ZIMMERI CONTRERAZ
Date Taken: December 4, 2023

The above transcript must be read and the Correction Sheet signed within 30 days of this notice or before the trial date. If the Correction Sheet is not signed within that time period, signature will be deemed waived for all purposes.

Please contact the witness and arrange a convenient time and place for reading and signing.

After the Correction Sheet is signed, please mail the signed original Correction Sheet to:

Kimberly J. Cox
Deputy City Attorney
747 Market Street, Room 1120
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Reporter: Christy Sheppard, CCR, RPR
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